

ANNO. XXIII. H. VIII.

The kynge our soueraigne lord  
Henry the eight by the grace of god  
kyng of Englande and of France  
defender of the faith and lord of  
Irelande at the session of his highe  
Courte of parliament after diuerse  
prologations holden at westminster  
the .xv. day of January in the .xxiii.  
yere of his most noble reigne to the  
honour of almyghtie god and holy  
churche / and for the comon weale  
and profette of this his realme by  
the assente of the lordes spirituall  
and temporall / and the comons in  
this present parliament assembled /  
and by auctorite of the same / bath  
ordeigned established and en-  
acted certayne good statu-  
tes lawes and orde-  
nances in maner  
and forme  
folow-  
ing.

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**I**n acte that no persone committynge pety treason /  
murder/o: felonie/shall be admitted to his  
clergie/vnder subdeacon .



Where at a parliament holden at westminster / in the .iii.  
yere of kynge Edward the firste / the same kynge mo-  
ued the prelates of the realme / and them enioyned vpo  
their feith / that they owed to hym / that in no wyse they  
shulde deliuer those clerkes / whiche were endited for  
felonie / without due purgation / so that the sayd kynge  
shuld haue no nede to put other remedy in that behalfe.

And that not withstanding after that monition diuers and many clerkes  
conuicted were accusomably deliuered and suffered to make theyr purga-  
tions / to the great cozage of euill doers : By occasion wherof afterward  
at an other parliament holden at westminster in the .iii. yere of king Henry  
the .iiii. vpon the compleynthe of the commons the same kynge Henry the  
fourthe than aduertised the prelates of the realme of the premises / enten-  
dyng than to haue provided remedy / by auctoritie of the said parliament /  
as apperteyned to his prerogative roial / for the conseruation of the peace  
of the Crowne : At whiche tyme the archebischop of Canterbery / for him  
selfe and all other byschops of his prouince then openly prompted to the  
same kynge Henry the .iiii. that if any persone from thensforth were con-  
uicted of any treason / whiche touched not the kynge nor his roiall ma-  
iestie / and suche as were notoriously knowen and reputed for theues / and  
for suche cause deliuered to any ordinarie as a clerke conuicted / that the  
ordinarie / to whom suche person or persons were deliuered / shulde safely  
kepe them after the effecte of a constitution prouinciall to be made by the  
sayde archebischop and byschops after the effecte of the letters of Symon  
than afore that tyme archebischop of Canterbury / bearynge date the .xii.  
kalendis of Marche / the yere of our lord god a. D. CCC. i. and that no  
suche traitour nor felon shulde make his purgation agayne the sayd Con-  
stitution / whiche Constitution the sayd archebischop than promised to de-  
liuer to the same kynge before his nexte parliament / to the intent that if it  
shulde seme to the same kynge / that the same Constitution were not suffi-  
cient remedy for the premises / that then the saide kynge myghte prouyde  
suche remedy as shulde apperteyne in that behalfe. Sythen whiche  
tyme the same Constitution was neuer notified ne shewed by the prelates  
of this realme / but continually siche that tyme manifest theues and mur-  
ders indited and founde gyltie of theyr mysdedes by good and substan-  
ciall inquestes vpon playne and profeable euidence before the kinges Ju-  
stices / and afterwarde by the vsages of the common lawes of the londe  
deliuered to the ordinaries as clerkes conuicted / be speedily and hastily de-  
liuered and set at large by the ministers of the sayd ordinaries for corrup-  
tion and

tion and luccie / or els bycause the ordinarie enclaymyng suche offenders by the liberties of the churche / wyl in no wyse take the charges in saue keepinge of them / but littell regardyng the triall and conuiction of the sayd offenders / by the due and playne course of the comon lawes of the londe / do suffer them to make theyr purgations by suche as nothyng knowe of their mysdedes : and by suche fraude aduul and make voide all the good and prouable triall that is vsed agayne suche offenders by the kynges lawes / to the great disclaunder of suche as pursue suche mysdoers / and to the pernicious example / encrease / and corage of suche offenders / if the kynges highnes by his auctoritie rotall put not speedy remedye in the premises as apperteyneth.

**¶** Be it therfore enacted by the kyng our souereigne lord / and the lordes spirituall and tempozall / and the commons in this present parliament assembled / and by auctorite of the same / that no person nor persons / whiche here after shall happen to be founde gyltie after the lawes of this londe for any maner of pety treason / or for any wylfull murder of malice prepenised / or for robbynge of any churches / chapels / or other holy places / or for robbynge of any person or persons in theyr dwellinge houses or dwellinge place / the owner or dweller in the same house / his wyfe / his chyl dren / or seruantes then beinge within and put in feare and drede by the same / or for robbynge of any person or persons in or nere aboute the high wayes / or for wylfull burninge of any dwellinge houses or beeres / wherein any greyne of cornes shall happen to be / nor any person or persons beinge founde gyltie of any abbettement / procurement / helpynge / meynnteynyng or counsellynge of or to any suche pety treasons murders or felonies / shall from hensforth be admitted to the benefite of his or their clergy / but vterly be excluded therof and suffer deeth in suche maner and fourme as they shuld haue done for any the causes or offences aboue said / if they were no clerkes. Suche as be within holy orders / that is to saye of the orders of subdeacon or aboue alonly excepte.

**¶** And be it further enacted by auctoritie afoze sayd / that euery suche person and persons within suche orders of subdeacon or aboue / whiche at any tyme hereafter be founde gyltie of any pety treason / or of any murder of malice prepenised / or of any of the felonies aboue rehersted / or of any accessarie to pety treason / wylfull murder / or to any other the felonies aboue especified / and admitted to his or theyr clergy / and deliuered to the ordinarie for the same / shall not in any wyse from hensforth be suffered to any purgation / nor be sette at libertie / but remayne and abyde in perpetuall prison / vnder the keepynge of the ordinarie / to whom he shalbe comitted and his successours / without any maner of purgation during the natural lye of euery suche conuicte / Excepte only suche person or persons so beinge within suche holy orders and conuicte of or for any of the offences afoze saide / and deliuered to the ordinarie for the same / do fynde two sufficient



ciente suerties by recognisance before two of the kynges Justices of his peace within the same shyre/ where the petye treason/ murder/ or felony/ wherof he was convicted/ was committed and done/ wherof one of them to be of the Quorum/ that suche convicted shall be of good abearynge agaynst the kyng our souerayne lord/ his lawes and subiectes/ every suche convicted to be bounde in the somme of .xl. li. and every his suerties in .xx. li. And that no suretie be taken onlesse suche as may dispende in londes tenementes or hereditamentes perely aboue all charges of estate of inheritance of charter holde .xxvi. s. viii. d. or els be worthe .xx. li. in mouable substance at the tyme of the takynge of suche recognisance. And that two Justices of peace/ wherof one to be of the Quorum/ by auctoritie afoze sayde haue power and auctoritie to take suche recognisance. And that the sayde Justices/ afoze whom any suche recognisance shall be taken/ shall certifie the same in to the kynges benche within .iii. monethes nexte after the takynge therof/ vpon payne to lose and forsayte .C. s. for every defaute therof.

**¶** Wherbynd alway that this acte extende not to geue any benefite to any suche person or persons/ whiche after theyr confession/ or iugement geuen agayne them of or for felony or murder/ or after they be outlawed for any suche cause be admitted to theyr clergie and deliuered to the ordinarie for the same/ but that they and every of them/ shall remayne in the custodie of the ordinaries withoute makynge purgation/ vpon suche peryll and in suche maner and fourme as it was vled by the common lawe before the makynge of this present acte/ this acte or any thinge therein conteyned not withstandinge.

**¶** Wherbynd alwayes and it is further enacted / that every ordinarie/ to whose custodie any suche convicted for any of the offences aboue reherfed shall be comitted/ maye at his lybertie disgrace every suche convicted after the lawes of the churche/ if he se cause so to do/ and sende the convicted so disgraced in sure and safe keepinge in to the kynges benche with a certifi- cat vnder his seale testifienge the sayde disgradinge / vpon the whiche the Justices of the kynges benche/ haunge afoze them the recoorde/ vpon the whiche the sayde persone so disgraced was fyrste convicted/ shall geue suche lyke iugement of deth vpon the same recoorde agaynst every suche person so convicted and disgraced/ as the Justices afoze whom he was convicted might haue done/ if the sayde person so disgraced at the tyme of his conuiction afoze them/ had be no clerke/ his admission to his clergie / and committinge to the ordinarie ne any other thinge vse or custome to the contrarie herof not withstandinge / and that every suche iugement shall be executed accordingly. And that every ordinarie so sendinge any suche convicted disgraced in to the kynges benche shall be discharged agayne the kyng our souerayne lord/ his heires and successours of or for any further custodie or keepynge of the same convicted.

**¶** This acte to continue vnto the laste day of the nexte parlyament.

A.iii.

An acte

**An acte concernynge where and vnder what maner  
the iayles within this realme shail be  
edified and made. ii**



**Dy** as moche as it is necessarie and comendable / that  
commen iayles and prisiones / where vnto puell doers  
shall be committed for theyr offences shulde be suerlye  
and substantially edified in suche towne in every shire  
within this realme as shalbe moſte indifferent for con-  
uenance of prisioners from every parte of the shire wher  
in suche iayles shalbe / and in especiall in those towne /  
where moſte commonlye the assises and sessions bene vsuallye kepte / and  
where there is moſte resorte and repaire of people to thentente that by the  
meane therof fewer shal escape / and also the rather and oftener reliefe and  
charite of the people shal be to the prisioners ministred : It may therfore  
please the kynges hyghnes with thassent of the lordes spirituall and tem-  
poral / and the comons in this present parlyment assembled / and by aucto-  
ritie of the same to enacte that the Justices of peace of every of the shires  
of Essex / Suff. Dorst. Suff. Surrey / Nottingham / Glouc. Bedforde /  
Buck. Huntynghdon / Wiltel. Kent / warwyke / Stafforde / Oxen. Barkl.  
Leicestre / Rutlande / Lincolne / Hereford / Northampton / Salop / Noſſ.  
and Cornwall / or the most parte of the sayde Justices of peace in every of  
the said shires within the limittes of theyr comission / shal haue ful power  
and auctorite to lymytte and appoynte at any tyme within the terme of  
one yere from the ende of this present parliament the towne and places /  
wherin they shal thinke moſte necessarye to haue a common iayle newlye  
edified and made. And that also the sayde Justices of peace in every of  
the sayde shires / or the most part of the sayd Justices of peace within the  
limittes of theyr comission shal haue full power and auctorite to calle  
before them at times and places by them to be appointed / al the high con-  
stables / tythynge men / or borough holders of every hundred / lathe / or wa-  
pentake in the shire / wherof they be Justices / and in theyr presence and by  
theyr assentes and agrementes / or in the presence and by thassente of the  
moſte parte of them shal conclude and agree vpon suche convenient and  
certayne sommes of money / as shal be thought by theyr discretions and  
by examination of worke men to suffice for the makynge and perfette fy-  
nysshynge of a newe iayle in the shire / wherof they be Justices of peace /  
and therupon shal forthwith by their assentes agrementes and discretion  
take and set every suche person and persons as than shal be resiant in the  
same shire / as well within liberties as without / hauynge londes / tene-  
mentes / rentes or annuities of estate of inheritauce / or for terme of lyfe  
to the clere yerey value of .xl. s. or above / or bringe worthe in mouable  
substance the clere value of. xx. li. or above to suche reasonable ayde and  
sommes



summes of money as shall be thoughte conuenient by theyr discretions to  
and for the full building making and finishing of the sayde comon tye  
of the shyre / where suche assessement shall be made. And after suche  
taxation to name and appointe suche nombre of collectours for the leuynge  
therof / as shall seme best by theyr discretions. And that the sayde colle-  
ctours and euery of them shall haue power and auctorite to disteine euery  
suche persone as shall be sette or taxed by the sayde Iustices of peace as is  
aforesayd in their londes or goodes / as well within liberties as without /  
and to selle the distresses by them taken by thappreysment of .iiii. honeste  
persons for the payment of the sayde summes to be taxed / if the persone or  
persons taxed refuse to paye the same within .x. dayes nexte after suche di-  
stresse taken / takynge vpon euery suche sale but only the money taxed / with  
reasonable costes for takynge of the distresse : and the ouerplus of suche  
sales to be deliuered to the owner of the sayd distresse. And that also the  
sayde Iustices of peace in euery of the sayde shires / or the moste parte of  
them / within the limittes of their commission / shall haue power and au-  
thorite to name and appointe .ii. honest persons inhabyted in the said shire /  
wherin they be Iustices / whiche .ii. persons shall suruey se and proude /  
that the sayd iayles shall be surely and substancially made and fynished :  
to whose handes the sayde collectours shall pay and deliuer the money by  
them collected of the kynges subiectes by the appoyntement and assigne-  
ment of the sayde Iustices of peace or .vi. of them at the leest. And that  
as well euery of the sayd collectours / as euery of the sayd .ii. persons to be  
named / theyr heires / executours / and administratours shall declare a true  
and a iust accompt to the said Iustices of peace in euery of the said shires /  
or to .vi. of them at the leest from tyme to tyme whan they shalbe required.  
And in case any of them refuse to make accompt / or refuse to paye and em-  
ploye suche summes of money as shall come to theyr handes in suche wyse  
as shall be limited and appoynted by the sayde Iustices of peace or .vi. of  
them (as is aforesaid) that than the same Iustices of peace or .vi. of them  
in euery shire where suche iayles shall be newe made / shall haue full power  
and auctorite / if the sayd offenders be present to comitte them to warde /  
and if they be absente to make attachementes vnder theyr seales by theyr  
discretions ageyn euery suche collector and person / to whose handes any  
of the sayde summes of money taxed shall happen to come / theyr heires  
executours and administratours and euery of them in to euery shyre and  
parte of this realme as well within libertie as without / to be returnable  
aforesayde the sayde Iustices of peace / at suche day and place as by them shalbe  
appointed / and to be directed to the shireffe or shireffes of the shire wherin  
the partie or parties ageine whom suche attachement shalbe directed shall  
be resident and abyding / if it be within the bailliwike of the shireffe / and  
if it be without / than to be directed to the baillie of the libertie / wherin  
suche partie shall abyde. And that euery shireffe and bailliffe of libertie /  
to whose

to whose handes suche attachementes shall come / without fauour or corruption shall attache the sayde offenders / and personally bypunge them before the sayde Justices accoꝝdyng to the tenour of thattachement to them directed / or els declare by his retourne of the sayde attachement some reasonable cause why he can not so do / vpon payne for euery defaute by them or any of them committed contrary to this acte to lose and forsaite. C. s. to the kyng our soueraigne lord. And vpon the apparance of euery suche persone so attached the sayde Justices or. vi. of them shal haue ful power and auctozite to committe them to prison / there to remayne without baile or maynprie tyll they haue truly accompted and payde all suche sommes of money as came to theyr handes by the assignement of the sayde Justices by auctozitie of this acte. And in case there happen to remayne any ouerplus of money after the sayles fully and holip tynysed / than it is ordered / that the same ouerplus shall be employde and bestowed in almes to the prisoners to be committed to the sayd iaple by the discretions of the sayde Justices of peace or the more parte of them / as long as it wyl last.

**¶** Provided alway that this acte extende not to charge any persons inhabited within any cities townes or boroughes corporate / whiche haue comon iaples for felons taken in the same / & haue Justices of peace for deliuerace of suche felons / for any taxes or lottes to the makynge of the sayde comon taile of any the shyres aboue named / but that euery such inhabitant in any suche cite towne or borough corporate shalbe vterly discharged therof.

**¶** And be it further inacted that seuerall commissions vnder the kynges great seale / with this present acte thereto assailed / shalbe directed to the Justices of peace of the shires afoze named / auctozising them to accomplishe and execute this present acte accoꝝdyng to the tenour therof in euery behalfe. And that the sayd Justices of peace in euery of the shires afoze named / haue power and auctozite to lunitte to euery of the sayde collectours and persones by them to be named / that shall take paynes for leupenge of the money taxed or for the suruepence of the makynge of the sayd iaples / suche reasonable sommes for theyr paynes and labours for the collection of the sayd money and suruepence the makynge of the sayd iaples.

**¶** And be it further enacted by the auctozite afoze said / that all murderers and felons shalbe imprisoned in the sayd comen iaples / and not els where. And that the shireffes shall haue the keepynge and charge of the same netwe iaples. And that euery shireffe be allowed vpon his accopt in the Eschequer for al a euery such somes of money as he shal hereafter happen to expende in & about the necessarie reparations or amendmentes of the said ialles / after they be ones made from tyme to tyme as ofte as nede shal require. And that the barons of the kynges Eschequer haue power to allow euery shireffe in euery suche case by theyr discretions without any byll or warant to be sewed from the kynges highnes in that behalfe.

**¶** Provided alwayes that this act be not in any wyse hurtfull or preiudiciall to any persone or persons



persons haupng any comen iayles by inheritance foꝛ terme of lyfe oꝛ foꝛ peces/ but that they shal haue and enjoy their sayd iayles and the profittes fees and comodities of the same as they had oꝛ myght laufully haue had befoꝛe the makynge of this acte / and as if this acte hadde neuer ben had ne made.

**¶** Be it further enacted by auctorite afoꝛe sayde that lyke pꝛouision in euery behalfe be had foꝛ a newe Sayle to be made within the countie of Derby in lyke fourme as is pꝛouyded foꝛ other shires afoꝛe sayde.

**¶** An acte concernynge perjurie and punysshement  
of vntrewe verdictes. iii

**T**he kyng our souerayne lord of his moste goodly and gracious disposition callynge to his remembrance how that perjurie in this londe is in manyfolde causes by vntreasonable meanes detestabyle bled to the disheritaunce and great damage of many and great nombre of his subiectes/ well disposed/ and to the mooste hygh displeasure of almighty god/ The good statutes agens all officers haupng retorne of wyttes and their deputies makynge pannelles partially foꝛ rewardes to them gūen/ agaynst vnlawfull mayntenance embꝛasours and Jurours/ and agaynst Jurours vntreuely peupng their verdicte not withstandynge. foꝛ reformation wherof/ and foꝛ as moche as the late noble kyng Henry the. vii. pꝛouided remedy foꝛ the same by a statute made in the. xi. yere of his reigne/ whiche statute is now expired. Be it therfoꝛe nowe enacted by the kyng our souerayne lord/ and the lordes spiritual and temporal/ and the commons in this pꝛesent parliament assembled/ and by auctorite of the same/ that vpon euery vntrewe verdicte hereafter gūen betwixt partie and partie/ in any sute plaint oꝛ demaunde befoꝛe any Iustices oꝛ Judges of recorde/ where the thyng in demaunde and verdicte therupon gūen extendeth to the value of. xl. li. and concerneth not the iopardie of mannes lyfe/ the partie greued by the same verdicte shall haue a wytte of Atteynt agens euery person hereafter so gūynge an vntrewe verdicte and euery of them/ and agens the partie/ whiche shall haue iugement vpon the same verdicte. And that in the same atteynt there shalbe awarded agens the petit Jurie/ the partie/ and the graunde Jurie Somons Resorn and distresse infinite/ whiche graunde Jurie shall be of lyke nombre as the graunde Jurie is nowe in atteynt/ and euery of them/ that shall passe in the same/ shall haue landes and tenementes to the value of. xx. markes by the yere of freholde out of the auncient demene. And vpon the distresse whiche shall be deliuered of recorde vpon the same open pꝛoclamacion to be made in the court there. The distresse shall be awarded more than. xli. d. wres afoꝛe the retourne of the

of the same distresse / and every suche distresse shalbe made vpon the lande of euery of the said graunde Iurie as in other distresse is and hath ben vsed. And if the saide partie defendant oꝛ the petite Jurours oꝛ any of them appere not vpon the distresse / than the graunde Iurie to be taken ageynst them and euery of them that shall so make defaute. And if any of the sayd petite Iurie appere / than the partie complaynant in that behalfe shal assigne the false serement of the fyrste verdicte vntreuely giuen / wherunto they of the petite Iurie shal haue none answer / if they be the same psons / and the writte proces returne and assignement good and lafull / excepte that the demandant oꝛ pleintife in the same Atteynt hath afoze bene nonsute oꝛ discontinued his sute of Atteynt taken for the same / oꝛ hath for the same verdicte in a writte of Atteynt had iugement ageynst the sayd petite Iurie / but only that they made trewe serement / whiche issue shalbe tried by xx.iii. of the said graunde Iurie / and the partie shall plede / that they gaue trewe verdicte / oꝛ any other matter / whiche shall be a sufficient Barre of the sayd Atteynt. And that plee not withstandyng the graunde Iurie to be taken without delaye to enquire whether the fyrste Iurie gaue trewe verdicte oꝛ no. And if they fynde that the saide petite Iurie gaue an vntrewe verdicte / than euery of the sayd petite Iurie to forsaite .xx. li. wherof the one halfe shall be to the kyng our soueraigne lord / and the other halfe to the partie that sueth. And ouer that that euery of the said petite Iurie shall seuerally make fyne and raunsome by the discretion of the Iustices / befoze whom the sayde false serement shall be founde after theyr seuerall offences defautes and sufficientie of euerye of the sayde petite Iurie. And after that / that those of the sayd petite Iurie so atteynted shall neuer after be in any credence / noꝛ their othe accepted in any courtte. And if suche plee as the ptie pleadeth / whiche is a Barre of the said Atteynt / be founde oꝛ demed ageynst hym that so pleadeth / than the ptie that so sueth shall haue iugement to be restored to that he lost with his resonable costis & damages.

**E**fozen alwaye that any delarie in action oꝛ cause personall / oꝛ excommenagement pleded oꝛ alleged in the partie playntife oꝛ demandant shalbe taken but as voide plee / and to that he shall not be put to answer. And that in all the afoze sayde processe suche day shall be giuen as in a writte of Dower / and none esoyne oꝛ protection to lye noꝛ to be allowed in the same. And if the sayd graunde Iurie appere not vpon the fyrst distresse had ageynst them / so that the Iurie for theyr defaute do remayne / he that maketh defaute shall forsaite to the kyng .xx. s. and vpon the seconde distresse .xl. s. And after makyng defaute for euery suche defaute .v. li. And lyke penalties and forseitures to be agaynst them and euery of them that shalbe named in the Tales / as is afoze expresse against euery of the sayde graunde Iurie afoze sayd. And that for and by the dethe of the partie oꝛ any of the said petite Iurie / the said Atteynt shall not abate noꝛ be deferred against the remenant / as longe as two of the saide petite Iurie be aliue.

And



And if here after any false verdict be given in any action suite or demande afoze any Justice or Judge of recorde of any thyng parsonell/ as dette trespass and other lyke / whiche shall be vnder the value of. xl. li. that than the partie greued shall haue Atteynt with such proces and pleges as is afoze reheresed/ and delays to be taken away as is afoze remembred: Excepte that in this case of Atteynt every person of the grande iurie/ that may dispende. v. markes by the yere of frehold out of auncient demene / or is worth an hundred marke of goodes & catellis shall be able to passe in the same atteynt. And if the petit iurie be atteinted/ that than they shall in this case of Atteynt every of them to forfait. v. li. wherof one halfe shall be to the kyng/ & the other halfe to the partie/ after the forme afoze reheresed/ & ouer that to make fine & ransome by the discretio of the Justices as is afozesayd.

And if there be not persons of such sufficiencie within the shire or place where any of the sayd Atteyntes shall be taken/ as may passe in the same: Be it ordeyned by the auctorite aboue sayde/ that than one Tales shall be awarded in to the shire nexte adioynng by the discretio of the Justices/ afoze whom the same atteyntes shall be taken/ which shall be warned to appere vpon lyke pynes as is afoze sayd/ and enabled to passe in the said atteintes/ as if they were dwelling in the shire/ where the same atteint shall be taken / And that the same lawes action & remedie ordeined by this present acte be kept for & to al them y shall be greued by such vntreue verditis of any inheritance/ in discent reuertion remayndre/ or of any frehold in reuertion or remaindre. And if the partie in Atteynt given by this acte be nonsuite or the same discontinue / that than the same partie so nonsuite or so discontinuynge the sayd atteynt make fine and ransome by the discretio of the Justices/ afoze whom the sayd Atteynt shall be taken and dependynge.

And that al atteyntes hereafter to be taken/ shall be taken afoze the kinge in his benche / or afoze the Justices of the comon place and none in other courtes. And that Aids prius shall be granted by discretio of the Justices vpon the distresse/ and every of the said petit iury may appere & answere by attourney in the said Atteint. And that the moite of the sayd forfaiture of the petit iurie shall be leuied to thuse of our soueraigne lord by Capias ad satisfaciend. or fieri fac. or Elegit/ or by action of det ayenst every person of the petit iurie so forfaitynge/ and agaynst his executours & administratours haupng thā sufficiēt goodes of their said tstatour not administrad/ and the other moite shall by like processe be leuied to the vse of the partie that sueth any atteynt given by this acte agayn every of the sayd petite iurie and his executours or administratours/ haupng than sufficiencie of goodes as is afoze said not administrad. And the iugemēt of restitution to the partie greued supynge this acte & execution of the same to be had/ & like iugemēt for the party defendant or tenāt to be discharged of restitution as afoze this present act in case of a grand atteint hath ben vsed. And if there be dyuers pleyntifes or demādantes in atteynt/ that the nonsuite or release of any

of any of them shal not be in any wise hurtful or prejudicial to the residue/ but that they & every of them in suche cases may be soith and severed lyke as it is vled whan there be dyuers demandantes in actions reall.

**¶** Be it also ordeined & enacted by thautozite aboue sayd y in every writ of Attaint herafter to be taken by or vpon this acte/ the which shalbe suche as other wryttes of Atteynt be / and after the Tesse of the same writ shal be wrytten these wordes in latin : *Per statuf continuat vsqz annu vicesimu tercium dni Ventr octauu dei gratia Anglie & Franc regis, fidei defen et dni Dibern.*

**¶** And it is also enacted/ that this acte shal take effecte for verdictes here after to be gyven/ and to contynue to the laste day of the next parliament.

**¶** Provided alwey that this acte be not prejudiciall to a statute made in the .xi. yere of the late kyng of famous memozie Henry the .viij. for punishment of perjurie in vntrewe verdictes gyven in playntes sued in the courtes of the cite of London / but that it shal be at the libertie of all persons for and vpon any vntrewe verdicte gyven in any courtes of the same cite/ to sue theyr atteynt vpon this estatute/ or els vpon the sayd estatute made in the sayde .xi. yere at theyr owne pleasures and willes.

**¶** In acte that no brewers of bere or ale shal make theyr barrells kylberkyns nor fyrkyns within them/ and howe moche the same barrells kylberkyns and fyrkyns shal conteyne. iii



Where the ale brewers and bere brewers of this realme of Englande haue vled and dayly do vse for theyr owne singlar lucre profite and gayne to make in theyr owne houses theyr barrells kylberkyns and firkins of moche lasse quantite contente rate and assise than they ought to be/ to the great hurte prejudice and damage of the kynges liege people/ and contrarie to diuers actes statutes ancient lawes and customes here tofore made had and vled and to the distruction of the pooze crafte or mistery of coupers. For reformation wherof be it enacted by the kyng our soueraygne lord/ the lordes spirituall and tempozall / and the commons in this present parliament assembled/ and by auctozite of the same/ that no bere brewer nor ale brewer/ that shal brew to sale bere or ale shal from hensforth occupie by hym selfe/ nor by any other to his vse in his house nor els where the mistery or crafte of coupers / nor make any barrells kylberkyns fyrkyns or other vessels by hym selfe/ nor by his or theyr owne seruantes/ wherby they shal put theyr bere or ale to sale/ but that all suche barrells kylberkyns and other vessels of woode/ wherwith they shal put theyr bere or ale to sale / shal from hensforth be made & marked accordyng as herafter shal be expessed/ by the comon artificers of coupers exercised & practised in the sayd occupation/ vpon paine to forsaite & pay for every suche barrell kylberkyn firkin or other vessel/ herafter to be made contrarie to the tenor of this acte. *iii. s. iiii. d.*

And



¶ And be it also enacted/that euery artificer of the craft or mistery of coupers/that woll exercise or practyse to make any of the sayd vessels for bere or ale to be put to sale/ shall make the same vessels and euerye of them of good and seasonable wodde / and putte his propre marke vpon euerye of them. And that euery barrell for bere shall conteyne. cxxvi. galons/ euery kylderkyn for bere. xliii. galons/ and euery fyrykyn for bere nyne galons of the kynges standerde galon. And that euery barrell for ale shall conteyne. cxxii. galons/ euery kylderkyn for ale. xvi. galons/ and euery fyrykyn for ale. viii. galons of the kynges standerde galon / So that they shalbe of good and iuste measure / or els aboue and not vnder. And that no couper shall make any other vessel for bere or ale to be solde within this realme of any greater or lesser nombze of galons than is abouesayd/ or elles he shall cause to be marked vpon euerye suche vessel / that he shall so make of greater or lesser nombze of galons / the true and certayne nombze of as many galons as euery suche other vessel shal conteyne / to the intent that euery persone may knowe the content thereof.

¶ And that no suche artificer of coupers shall enhaunce the prices of any suche barrells kylderkins fyrykins or other vessels in the sale of them to any ale brewer or bere brewer or other person / but kepe the rates of suche prices as hereafter ensueth / and not aboue / vpon payne to forfeite for euery barrell kylderkyn and fyrykin defectiue or enhaunced in price in any poynte contrary to this acte. iiii. s. iiii. d. That is to say for euery bere barrell. ix. d. for euery bere kylderkin. v. d. and for euery bere fyrykin. iii. d. And the ale barrell. xvi. d. the ale kylderkin. ix. d. and the ale fyrykin. v. d.

¶ Also be it further enacted by the sayd auctorite/that no bere brewer nor ale brewer at any tyme after the feast of Lannias now neerte commynge shall put theyr bere or ale to sale to any person or persons to be spent and occupied within this realme in any other barrells kylderkyns fyrykyns or other vessels of wodde/ other than shall be made and marked by an artificer of coupers abouesaid/ wherof euery barrell for bere shall conteyne and holde. cxxvi. galons/ euery halfe barrell or kylderkyn. xvi. galons/ and euery fyrykin. ix. galons. And euery barrell for ale shall conteyne. cxxii. galons/ euery kylderkin. xvi. galons / and euery fyrykin. viii. galons of full and iuste measure or aboue/ and not vnder that measure. And that euery bere brewer and ale brewer shall not take ouer and aboue for euery suche barrell kylderkyn or fyrykin of ale and bere / but after suche prices and rates as shall be thought conuenient and sufficient by the discretions of the Iustices of peace within euery shyre / where suche bere brewer and ale brewer shall dwell without any cite borowe or towne corporate/ where no heed officers / as mayres baillyffes shyreffes and other heed officers haue none auctorite nor rule / & in euery cite borowe and towne/ where there be mayres shyreffes or other heed officers/ the same rates & prices to be named and celled by them & euery of them by their discretions. And that the sayd

ale brewers

ale brewers oꝝ bere brewers at any tyme hereafter shall not selle their bere  
noꝝ ale at any hygher rates oꝝ pꝛices than shall be to them assygned after  
the fourme aboue rehersed/ vpon payne to lose and forsaite foꝝ euery barrell  
so put to sale contrary to this estatute. vi. s. foꝝ euery halfe barrell oꝝ kyl-  
derkyn. iiii. s. iiii. d. and foꝝ euery fyrkin. ii. s. and foꝝ euery vessell con-  
teynynge greater nombꝛe of galons. x. s. and foꝝ euery other vessell con-  
teynynge lesser nombꝛe of galons. xii. d. The one halfe of all the whiche  
penalties and forsaitures to be to the kynge our souerayne loꝛde/ and the  
other halfe to hym that wyl sue foꝝ the same/ by action of dette byll plaint  
oꝝ information in any of the kynges courtes / in whiche action and suite  
the defendaunt shall not wage his lawe/ noꝝ any essoyne pꝛotection oꝝ pꝛi-  
uilege to be admytted.

**¶** Be it also further enacted by the sayd auctoritie/ that all maner of sope  
makers within this realme of Englande/ whiche shall put to sale any sope  
by barrell halfe barrell fyrkin oꝝ other vessell / shall from Lammas nowe  
nexte comynge make oꝝ cause to be made their barrells halfe barrells firkyns  
and other vessells accoꝛdynge to the rates contentes weyghtes and assises  
of olde tyme vsed and accustomed/ that is to say/ euery empty barrell to  
holde and conteyne. xxii. galons oꝝ aboue / and to be in weyghte. xxvi.  
poundes/ and not aboue of full and iust measure: and euery halfe barrell  
empty to be in weyghte. xiii. li. and not aboue/ and to holde and conteyne  
xvi. galons oꝝ aboue: and euery fyrkin empty to weye. vi. poundes and  
an halfe and not aboue/ and to holde & cōteyne. viii. galons oꝝ aboue/ vpon  
payne of forsaiture foꝝ euery suche barrell halfe barrell firkyn oꝝ other ves-  
sell herafter to be made had oꝝ vsed contrarie to this acte. iii. s. iiii. d.

**¶** And also be it enacted by the auctorite afoꝛe said/ y<sup>e</sup> the wardens of thoc-  
cupation oꝝ misterie of coupers within the cite of London from hensfoꝛth  
at all tymes herafter whan they shall thynke conuenient and expedient /  
takynge with them an officer of the maires/ shall haue full power and au-  
thorite by vertue of this acte/ to serche viewe and gage all maner of suche  
barrells kylderkyns firkyns and other vessells to be made oꝝ occupied foꝝ  
ale bere oꝝ sope to be put to sale within the cite of London / and suburbes  
of the same/ and within two myles compas without the same suburbes/ to  
viewe and se that the same barrells kylderkyns fyrkyns and other vessells/  
as well within liberties as without be made & marked well & sufficiently/  
and beare and cōteyne their true contentes rates and mesures accoꝛdynge  
to the effecte of this estatute: And also to marke euery suche barrell kylde-  
kin firkyn & other vessell by them so viewed and gaged bearing and conteyn-  
ing their true cōtentes/ with the signe & token of a seint Antonies crosse.  
The same wardens to haue foꝝ the serche and gaging of euery such barrell  
kylderkin firkyn and other vessell by them so serched viewed gaged & mar-  
ked one ferthyng/ & not aboue/ of the owners oꝝ makers of the sayd ves-  
sells. And shall and may haue auctoritie by vertue of this acte to receyue  
euery



every suche vessell as they shall so gage serche and marke/bnto suche time as they shall be satisfied therof. And in case they shall fynde any of the sayde vessels defectiue/not bearynge theyr trewe contentes / that than by auctoritie of this acte they may seale take and reseyne every suche vessell / and cause the same to be marked or amended acco:dyng to the trewe content/ or els cause the same to be brenned. And also the partie owner of such vessell to lose and forsaite for every suche vessell not beynge of the full contentes after the rate aboue expessed. xii. d. to be recouered and employde as is aboue sayde.

And be it further enacted by the sayde auctoritie/that in all other cities borowes and townes / wherein no suche wardens of coupers be / that the mayres shpyffes bailiffes constables or other heed officers in suche cyties borowes and townes shall haue power and auctoritie to serche biewe and gauge all suche barrells kylderkyngs fyrkyngs and other vessels to be made hereafter in any suche cite borowe or towne/ and to haue and take all suche auantage therby and in lyke maner and fourme as the wardens of coupers within the cite of London or other persons by this acte shuld or may haue or take on every behalfe.

And wherbynto alwayes that every bere brewer maye kepe in his house one or two seruauntes of the misterye or crafte of coupers to houe and amende his barels kylderkynges fyrkyngs and other vessels / wherein they shall put their bere to sale from tyme to tyme/this acte or any thing therein contened to the contrary in any wyse not withstandynge.

And be it further enacted by the sayde auctoritie/that if any persone at any tyme after the sayde feast of Lammas next comynge do mynysh or cause to be mynyshed any maner of barell kylderkyng or fyrkyng to the decepte of any the kynges subiectes by reason of takynge out the heed of any suche vessell/or takynge out of any staffe out or from any suche vessell/that than euerye suche vessell to be brennt / and thoffender to forsaite for every suche offence. iii. s.iiii. d. the one moyte therof to be to the kyng out soueraygne lord / and thother moytie therof to hym or them of the kynges subiectes that woll sue for the same / to be recouered in maner and fourme aboue rehersed. And the partie so offendynge to be further punished by the discretion of the heed offyter or offyters/befoze whom suche defaulte shall be presented.

It is enacted by auctoritie of this presente parliament / that not withstandynge any thyng contened in this acte of brewers and coupers/ wherbynto this Cedula is annexed / hit shall be lefull to euery ale brewer mencioned in the same acte to haue and reseyne in his seruice one persone of the misterye or crafte of coupers / to exerceise in his seruice the crafte of a couper / only in byndynge houpyng & pynnyng his maisters ale vessels recited by the sayde acte / and in none otherwyse to vse or exerceise any makynge of vessels concernynge the crafte or misterye of a couper /

whiles that he is in the seruice of any ale brewer. Also it is enacted/that every couper/whiche hereafter shall make any ale vessell specified in the sayde acte/shall from the feast of Penthecost nexte comynge make every suche vessell accordynge to the assise specified in the treatise called Compositio mensurarum/that is to say every barrell for ale shal conteyne. xxii. galons of the sayde assise oꝛ above / of the whiche. viii. galons make the comen busshell to be vsed in this realme of Englande/ every kylderkyne for ale. xvi. galons of the sayde assise oꝛ above/and every fytchyn. viii. galons of assise oꝛ above/ vpon payne of forfayture of. iii. s. iiii. d. for every of the same vessels by hym vntreuly made contrarie to this acte : the one halfe of the same forfayture to be to the kynge / and thother to hym that wol sue for the same by action of dette byl plaint writte oꝛ other wise : In whiche action none elioen pꝛotectiō oꝛ wager of lawe shall be allowed.

And be hit also enacted that euery couper marke his vessell with his owne marke/vpon payne of .iii. s. iiii. d. to be leuied and recouered after lyke maner and fourme as is aboue sayde. And that no maner of person in the serche makynge for the true gaugynge of any suche vessels/shall put out the ale of any suche vessell/ wherby the same ale shall be the worse. And that it shall be lafull to every ale brewer to brynge carie and cause to be brought and caried theyr ale to the householdes of our soueraygne lord the kynge/ the quene/ the pꝛinces/ and to every archebysshops/ bysshops/dukes/markesses/ Erles/barons/oꝛ other honorable mennes houses in tonnes buttes pypes hoggesheedes/ oꝛ other vessels of greater oꝛ larger quantite than is expꝛessed in this pꝛesent acte/ as befoꝛe tyme hath ben vsed in that behalfe. And also it shall be lesul to the sayd ale brewers to brynge carpe oꝛ cause to be brought conueyde oꝛ carped theyr ale to euery mannes house in barrells kylderkyntes and fytchyns bearynge and holdynge theyr trewe contentes accordynge to the purpoꝛte and effecte of this pꝛesente acte / any thyng conteyned in the same acte to the contrarie hereof notwithstandinge.

¶ A generall acte concernynge commissions of sewers to be directed in all pꝛtis within this realme



¶ Our souerayne lord the kyng lyke a vertuous and most gracious pꝛince/nothinge earthly so highly wꝛenge as the aduancing of the comon pꝛofit welch & comodite of this his realme/considering the daily great damages & losses/whiche haue hapned in many & dyuers pꝛtis of this his sayd realme/ as wel by the reason of the outrageous flowing surges and course of the see in and vpon marhe groundes and other lowe places heretofore through politike wysedome wonne & made pꝛofitable for the great comon welch of this realme/ as also



as also by occasion of lande waters and other outrageous springes in and vpon meadowes pastures and other lowe groundes adioynynge to ryuers fluddes/and other water courtes: And ouer that by and throughe mylles myldammes weres sylshegarthes kedels gores gootis fludgates lockes and other impedymentes in and vpon the same ryuers and other water courtes/to the inestimable damages of the common welth of this realme/whiche dayly is likely moze and moze to increate / onelesse speede redresse and remedy be in this behalfe shortly prouided: Wherin all be it that by ryuers and many prouisions haue ben before this tyme made and ordeyned/ yet none of them are sufficient remedy for reformation of the premises/ hath therfore by deliberate aduise and assent of his lordes spirituall and tempozall / and also his lounge commons in this presente parlyament assembled/ordeyned establisshed and enacted/that commissions of sewers and other the premises shall be directed in all partis within this realme from tyme to tyme/ where and whan nebe shall require/accozdyng to the maner fourme tenour and effecte hereafter ensuenge/to suche substantiall and indifferent persons as shalbe named by the lord Chancellor and lord Tresaurer of Englande/and the two chiefe Justices for the tyme beyng/ or by thze of them/wherof the lord Chancellor to be one.

Henry the. viii. 3c. knowe ye that for as moche as the walles dyches bankes guttures sewers gores calceis bridges streames and other defenics by the coostes of the see/ and marthe grounde beyng and lyenge within the limittes of A. B. or C. in the countie or counties of or in the bozders or confines of the same by rage of the see/ flowynge and cesslowynge / and by meane of the trenches of freshe waters descen- dyng and haupng courtes by diuers wayes to the see / be so disrulte lace- rate and broken / And also the common passages of shyppes balengers and botes in the ryuers streames and other fluddes within the lymyttes of A. B. or C. in the countie or counties of or in the bozders or confynes of the same by meane of lettynge vppre erectynge and makynge of streames mylles bridges pondes sylshegarthes myl- dammes lokkes hebbinge weres hekkes and fludgates / or other lyke lettes impedimētes or anoyfances be letted & interrupted / So that great and inestimable damage for defaute of reparation of the sayde walles dyches bankes fenles sewers gootes guttures calceis bridges and strea- mes / And also by meane of lettynge by erectynge makynge and enlar- gyng of the sayde sylshegarthes myldammes lockes hebbynge weres hekkes fludgates and other lyke anoyfances in tymes past/hath happen- ed / and yet is to be feared / that farre greater losse hurte and damage is lyke to ensue / onelesse that speede remedy be prouided in that behalfe. We therfore /for that by reson of our dignytye and prerogatyue roiall we be bounde to prouide for the lastye and preservation of our realme of En- glande/wyllng that speedy remedy be had in the premises/ haue assigned

B.iii.

you and

you and syre of you / of the whiche we woll that A. B. and. C. shall be thre  
 to be our Iustices to suruey the said walles streames ditches bakes gutters  
 sewers gotis calceis bridges trenches milnes mildammes fludgates pon-  
 des lockes hebbing weres and other impedimentes lettes and anoufances  
 afore saide / and the same cause to be made corrected repaired amended put  
 downe or reformed / as case shall require after your wil domes and discre-  
 tions / And therein as well to ordeyne and do after the fourme tenour and  
 effecte of all and syngular the estatutes and ordenances made before the  
 fyrst day of Marche / the xxij. yere of our reigne / touchyng the premys-  
 es or any of them / as also to inquire by the othes of the honeste and lauffull  
 men of the sayde shyre or shires place or places / where suche defaultes or  
 anoufances be as wel within the liberties as without / by whom the trowth  
 may the rather be knowen / through whose defaulte the sayde hurtes and  
 damages haue happened / and who hath or holdeth any landes or tene-  
 metres or comon of pasture or profite of fshyng / or hath or may haue any  
 hurte losse or disauantage by any maner of meanes in the sayd places / as  
 well nere to the sayd daungers lettes and impedimetes / as inhabytyng or  
 dwellynge there aboutes by the sayd walles ditches bankes gutters gotis  
 sewers trenches and other the sayde impedimentes and anoufances . And  
 all those persons and every of them to take asselle charge discreine and pu-  
 nyshe as well within the metis / lymettes and boundes of oide tyme ac-  
 customed or otherwise as els where within our realme of Englande / after  
 the quantite of theyr landes tenementes and rentes by the noubre of  
 acres and perches / after the rate of every persons portion tenure or pro-  
 fite / or after the quantite of theyr commune of pasture or profite of fsh-  
 yng or other commodities there / by such waies and meanes and in suche  
 maner and fourme / as to you or .vi. of you / wherof the sayd A. B. and C.  
 to be thre / shall seme most conuenient to be ordeyned and done for redress  
 and reformation to be had in the premys : And also to reforme repayre  
 and amende the sayde walles ditches bankes gutters sewers gotis calceis  
 bridges streames and other the premys in all places nedefull : and the  
 same as often and where nebe shall be to make newe / And to cleanse and  
 purge the trenches sewers and ditches in al places necessarie / And further  
 to reforme amende prostrate and ouerthrowe all suche mylles streames  
 pondes lokkes fshwegethes hebbynge weres and other impedimentes  
 and anoufances afore sayde / as shall be founde by inquisition or by your  
 surueynge and discretions to be excellent or hurtfull. And also to depute  
 and assigne diligent faithfull and trewe keepers bailiffes suruoyours colle-  
 ctours expeditours and other ministers and officers for the lauetie con-  
 seruation reparation reformation and makynge of the premys and  
 every of them / and to here the accompte of the collectours and other mi-  
 nisters of and for the receite and leyenge out of the money that shall be le-  
 uied and payde in and aboute the makynge repayynge reformynge and  
 amendynge



amendynge of the sayde walles diches bankes gutters gotes sewers calceis bridges streames trenches mylnes pondes lockes fylshygatthes fludgates and other impedymentes and anoyssaunces aforesayde. And to distreyn for the arretrages of euerye suche collection rate or assesse as of ten as shall be expedient / or otherwyle to paynthe the dettours and deteyners of the same by fynes amerciamentes peynes or other like meanes after your good discretions. And also to arreste and take as many cartes horses oxen beaustis and other instrumetes necessary/ and as many worke me and labourers as for the said workes and reparation shal suffice/ payenge for the same competent wages salarie and stipende in that behalfe : And also take suche as many trees wodes vnderwodes and tymber and other necessities/ as for the same workes and reparations shall be sufficiente at a reasonable prync by you or syxe of you/ of the whiche we wyll that A. B. and C. shall be thre to be assessed or limited as wel within the limites and boundes aforesayde/ as in any other place within the sayde countie or counties nere vnto the sayde places / And to make and ordeyne statutes ordenances and prouisions from tyme to tyme as the case shall requyre for the sauegarde conseruation redresse correction and reformation of the premisses and of euery of them/ and the parties lyenge to the same necessary and behouefull after the lawes and customes of Romney marshes in the countie of Kent or other wyle by any wayes or meanes after your owne wisdomes and discretions. And to here and determine al and singular the premisses/ as wel at our suite as at the suite of any other what so euer/ complaynyng before you or vi. of you / wherof A. B. and C. shalbe thre/ after the lawes and customes aforesayde/ or other wyle by any other wayes and meanes after your discretions. And also to make and directe al wyttes preceptes warrantes or other comandementes by vertue of these presentes / to all shereffes bayliffes and all other mynisters officers and other persons/ as well within liberties as withoute / before you or syxe of you/ wherof the sayde A. B. and C. to be thre / at certayne dayes termes and places to be prefixed/ to be returned and receyued / And further to continue the proces of the same/ and finally to do all and euery thyng and thinges/ as shall be requisite for the due execution of the premisses by all wayes and meanes after your discretions. And therfore we commande you/ that at certayne dayes and places/ whan and where ye or syxe of you wherof the sayde A. B. and C. to be thre/ shall thynke expedient/ ye do suruey the sayde walles fences diches bankes gutters gotes sewers calceis pondes bydges ryuers streames water courses mylnes lockes trenches fylshygatthes fludgates and other the lettes impedimetes and anoyssaunces aforesayde/ and accomplishe the fulfyll here and determine all and singular the premisses in due fourme and to the effecte aforesayde/ after your good discretions : And all suche as ye shal fynde negligent garysaping or rebellynge in the sayd workes reparations or reformation of the premisses/ or negligent

negligent in the due execution of this our Cōmission / that ye do compell them by distresse fines and amerciamentes oꝛ by other punisshementes wayes oꝛ meanes / whiche to you oꝛ syre of you / wherof the said J.B. and C. shall be thye / shall seme most expedient foꝛ the speedy remedy redresse and reformation of the pꝛemises and due execution of the same. And all such chinges as by you shalbe made and oꝛdeyned in this behalfe / as well with in lyberties as withoute / that ye do cause the same fyrmely to be obserued / doing therein as to our Iustices apperteyneth after the lawes and statutes of this our realme / and accoꝛdinge to your wysedomes and discrecions.

Saued alwayes to vs suche fines and amerciamentes as to vs therof shall belonge. And we also commande our Shireffe oꝛ Shireffes of our sayde countie oꝛ counties of

that they shall cause to coꝛne befoze you oꝛ syre of you / of the whiche J.B. and C. shall be thye / at suche dayes and places as ye shall appoynt to them suche and as many honest men of his oꝛ their bayliwicke as well within the liberties as without / by whome the trouthe maye beste be knownen / to inquire of the pꝛemises.

Cōmandynge also all other ministers & officers as well within libertie as withoute / that they and euery of them shall be attendant to you in and aboute the due execution of this our commission. In witnesse wherof we haue caused these our letters patentes to be made. witnesse oure selfe at westm the day of in the yere of our reigne.

And it is also enacted / that euery suche person as shall be named Commissioner in the sayde Commission / after he hath knowelege therof / shall effectually put his diligence and attendance in and about the execution of the sayd Cōmission. And befoze he shall take vpon him the execution of the sayd commission / he shall take a coꝛporall othe befoze the loꝛde Chancellor / oꝛ befoze suche / to whome the sayde loꝛde Chancellor shall directe the kynges writte of *Deimus potestatem* / to take the same / oꝛ befoze the Iustices of the peace in the quarter sessions holden in the shire where such commission shall be directed : the tenoꝛ of whiche othe here after ensueth.

Eye shall sweare / that you to your cōmyngge witte and power shall truly and indifferently execute the auctozite to you pouen by this Commission of Sewers withoute any fauour affection coꝛruption drede oꝛ malice to be boꝛne to any maner person oꝛ persons : And as the case shall require ye shall consent and endeouour your selfe foꝛ your parte to the best of your knowlege and power to the makynge of suche holsome iuste equal and indifferent lawes and oꝛdināces / as shall be made and diuided by the most discrete and indifferent nombꝛe of your felowes beinge in cōmission with you foꝛ the due redresse reformation and amendement of all and euery suche thynges / as are conteyned and specified in the sayd Cōmission : And the same lawes and oꝛdinances to your counnyng wytte and power cause to be put in due execution / without fauour mede drede malice oꝛ affection as god you helpe and all seyntes,

And



**¶** And it is also enacted by the auctorite afoze sayde / that all and euery statute acte and ordeinance here tofoze made concerninge the p̄misses oꝛ any of them / as well in the tyme of our souerayne lord the kyng that now is / as in the tyme of any of his progenitours kynges of this realme of Englande / not beinge contrary to this p̄sent acte / noꝛ here tofoze repelled / from hencefoꝛth shal stande and be good and effectuali foꝛ euer / and to be put in due execution accoꝛdyng to the trewe meanyng and purpoꝛtis of the same .

**¶** And ouer that be it enacted / that the commissioners here after to be named in any of the sayde Commissions accoꝛdyng to the purpoꝛte and effecte of the same commissions / haue full power and auctorite to make constitute and ordeyne lawes ordeinances and decrees / and further to do all and euery thyng mencioned in the sayde commission accoꝛdyng to the purpoꝛte effecte wordes and trewe meaninge of the same / And the same lawes and ordeinances so made to refoꝛme repelle and amende / and make newe from time to time / as the cases necessarie shal require in that behalfe .

**¶** Pꝛouided alwey and it is enacted / that if any person oꝛ persons beinge assessed oꝛ taxed to any lot oꝛ charge foꝛ any londres tenementes oꝛ hereditamentes within the limites of any commission here after to be directed / do not pay the sayde lotte and charge accoꝛdyng to the ordeinance and assigment of the Commissioners / hauinge power of the execution of the sayd commission / By reason wherof it shal happen the sayde Commissioners hauninge power of execution of suche Commission / foꝛ lacke of payement of suche lotte and charge to decree and ordeyne the same londres tenementes and hereditamentes from the owner oꝛ owners therof and theyꝛ heires and the heyꝛes of euery of them / to any person oꝛ persones foꝛ terme of yeres terme of lyfe in fee simple oꝛ in taylor foꝛ payement of the same lotte and charge / that than euery suche decree and ordeinance so by them made ingrossed in parchment / and certified vnder theyꝛ scales in to the kynges courte of Chancery / with the kynges roiall assente had to the same / shal bynde all and euery persone and persons / that at the makinge of the same decree had any interest in suche londres tenementes oꝛ hereditamentes in vble possession reuertion oꝛ remaindre theyꝛ heyꝛes and feoffes and euery of them / And not to be in any wyse resourmed onles it be by auctorite of parliament here after to be somoned and holden within this realme .

**¶** And also it is pꝛouided by auctorite afoze sayde / that the same lawes ordeinances and decrees to be made and ordeined by the sayd commissioners oꝛ syxe of them by auctorite of the said commission shal bynde as well the londres tenementes and hereditamentes of the kyng our souerayne lord / as all and euery other person and persons and theyꝛ heires foꝛ suche their interest as they shal fortune to haue oꝛ may haue in any londres tenementes / oꝛ hereditamentes oꝛ other casuall pꝛofite aduantage oꝛ commodite what so euer they be / wher vnto the sayde lawes ordeinances and decrees shal in

shall in any wyse extende accoꝝdynge to the trewe purpoꝛt meanyng and  
intente of the same lawes.

¶ And it is further moꝛe by the auctoꝛite afoꝛe sayde establisshed and  
enacted/ that if any maner of person oꝛ persons of what estate oꝛ degree so  
euer he oꝛ they be of / that from hensfoꝛth doth take vpon him oꝛ them to  
sytte by vertue of any of the sayde commissions/ not beinge befoꝛe sworne  
in fouꝛme as is afoꝛe sayde/ and accoꝝdynge to the tenoꝛ of the othe afoꝛe  
specified: Oꝛ if any person so named and sworne do sitte as is afoꝛe sayd/  
not hauinge londes and tenementes oꝛ other hereditamentes in fee simple  
fee tayle oꝛ foꝛ terme of lyfe to the clere yereely value of .xl. markes aboue  
all charges to his owne vse/ excepte he be resiant and free of any cite boꝛow  
oꝛ towne coꝛpoꝛate/ and haue mouable substance of the clere value of one  
hundred poundes/ oꝛ els be lerned in the lawes of this realme in and con-  
cernyng the same / that is to say admitted in one of the foure principall  
Innes of Courte foꝛ an vtter barrestre/ shall foꝛsayte fouꝛty poundes foꝛ  
euery tyme that he shall attempte so to do: The one halfe therof to be to  
our soueraygne loꝛde the kynge/ and the other halfe therof to the vse of  
hym oꝛ them that wyl sue therfoꝛe by action of dette bylle playnt oꝛ infoꝛ-  
mation in any of the kinges courtes: in whiche action oꝛ sute no wager of  
lawe shall be admitted / noꝛ any esloyne oꝛ protection shall be allowed.  
And if any action of trespas oꝛ other suite shall happen to be attempted  
agayne any person oꝛ persons foꝛ takynge of any distresse oꝛ any other  
acte dounge by auctoꝛite of the sayd commission / oꝛ by auctoꝛite of any  
lawes oꝛ oꝛdinances made by vertue of the sayde commission / the defen-  
dant oꝛ defendantes in any suche action shall and may make auowꝛy co-  
uinance oꝛ iustification foꝛ the takynge of the same distresse oꝛ other acte  
dounge touchinge the premisses oꝛ any of them/ alleginge in suche aduou-  
ce conuinance oꝛ iustification/ that the sayde distresse trespas oꝛ other acte/  
wherof the pleyntife compleyneth/ was done by auctoꝛite of the commis-  
sion of Sewers foꝛ lotte oꝛ tape assessed by the sayde commission / oꝛ foꝛ  
suche other acte oꝛ cause/ as the said defendant dyd by auctoꝛite of the sayd  
Commission and accoꝝdynge to the tenoꝛ purpoꝛte and effecte of this pre-  
sente acte made the .xxiii. yere of the reigne of our soueraygne loꝛde kynge  
Henry the .viii. withoute any expꝛessinge oꝛ reherfall of any other matter  
oꝛ circumstance conteyned in this present acte / oꝛ any commission lawes  
estatutes oꝛ oꝛdenances therupon to be made/ wherupon the pleyntife shall  
be admitted to replie/ that the defendant dyd take the sayd distresse / oꝛ do  
any other acte oꝛ trespas supposyd in his declaration of his owne wꝛonge  
withoute any suche cause alleged by the sayde defendant / wherupon the  
issue in euery suche action shall be ioynd to be tried by verdict of .xii.  
men/ and not otherwyse/ as is accustomed in other personall actions.  
And vpon the tryall of that issue the holle matter to be gyven on bothe  
partyes in euidence accoꝝdynge to the verbe trouthe of the same.

And



And after suche issue tried for the defendant or nonsuite of the pleyntife after apparance/ the same defendante to recouer treble damages by reason of his wrongfull veration in that behalfe / with his costes also in that parte susteyned : and that to be assessed by the same Jurie/ or wyttte to inquire of damages/as the cause shall require.

¶ And it is also enacted/ that euery of the sayd commissioners shall haue and perceyue foure shelynges for euery day that they shall take payne in the execution of this commission of Sewers / And one clerke by them to be assigned. ij. s. for euery day of the rates rates lottes and waynes that shall be assessed or losse by auctorite of the sayde Commission / and to be leued & payde by theyr discretions. And that the sayd commissioners or fire of them shall haue power and auctorite to limite and assigne of the same rates rates lottes and waynes by theyr discretions suche reasonable sommes of money to the sayde clerke for wytyng of booke and proces concerninge the premises/ and to the collectours expenditours and suche other as shall take payne in the due execution of the sayde commission / as by the discretions of the sayd commissioners or. vi. of them shall be thought reasonable.

¶ Prouyded alway that whan so euer and as often as suche Commission/ as is afoze limited/ shall be made and directed to any person or persons for the reformation and amendement / of or in any of the premises specified in the saide commission within the fees libertties or possessions of the duchie of Lancastre / that than suche Commissioners as shall execute any suche Commission shalbe alweys named and appoynted by the discretion of the lord Chancellor and lord Treasaurer of Englande and the sayde two chiefe Justices of either benche / and the Chancellor of the sayd duchie for the tyme beinge / or thre of them / wherof the sayde lord Chaunceller and the Chancellor of the duchie to be two. And that in euery suche case two Commissions shall be awarded and made accordinge to the tenor of the Commission aboue expressed / one therof vnder the great seale of Englande / and the other vnder the seale of the same duchie / as before tyme hath ben accustomed/ any thinge afoze rehearsed in this presente acte to the contrary herof not withstandinge.

¶ And it is further enacted/ that the sayd commissions from time to time/ as the case shall require/ shall be had and opteyned withoute any money or other charge to be payde for the seales or wytyng of the same / onlesse it be to the kyng. ii. s. vi. d. for the seale of euery Commission as hath be accustomed : And for the wytyng and entrollyng of any one commission. v. s. and not aboue.

¶ And it is further enacted/ that euery commission to be made by auctoritie of this acte shall endure and continue for the terme of thre yeres/ nexte after the Teste of the Commission. Neuer the lesse after any commission made and deliuered out of the kinges Courte of Chauncery/ the kinges highnes shall alweys

shall alweys at his pleasure by his wytte of Superfedias / out of his sayde court of Chancery / at any tyme discharge as well euery suche commission as euery commissioner that shalbe made or named by auctorite of this acte. After whiche discharge the sayde commissioners shall haue no power nor auctorite to procede in the execution of theyr commission / nor in any thing by auctorite of this acte.

**P**rovided alweys that suche lawes actes decrees and ordynances as shall happen to be made by the sayde commissioners accordyng to the tenor of theyr commission or by auctorite of this acte / shall stande good and effectuell and be put in due execution so longe tyme as theyr commission endureth and no longer: Excepte the sayd lawes and ordynances be made and in grossed in parchement / and certified vnder the scales of the sayde commissioners in to the kynges court of Chancery / and than the kynges royall assent be had to the same: Any thing conteyned in this present acte to the contrary herof not withstandinge.

**P**rovided also that whan so euer and as often as suche commission as is afore limited shall be made and directed to any person or persons for the reformation and amendement of or in any of the premises specified in the sayde commission within the fees liberties and possessions of the principallite of wales / the countie palantine of Cheshire / or within the fees liberties and possessions of any other place / where ther is libertie and iurisdiction of countie palantine / that in euery suche case two commissions shall be awarded and made accordyng to the tenor of the commission aboue expressed / one therof vnder the great seale of Englands / and the other vnder the usuall seale of the countie palantine in maner and fourme as is aboue provided for the duchie of Lancastre / any thing afore rehearsed in this present acte to the contrary not withstandinge.

**A**nd it is provided and also enacted / that the roial assente limited to be had vnto the lawes and ordynances to be made by the said commissioners / as is aboue sayd / shall be certified in to the sayde court of Chancery vnder the kynges priue seale: And that there shall not any some of money be payde for the same priue seale / but for the wytyng of the same Certificat vnder the sayde priue seale shalbe payde to the writer therof. ii. s. and not aboue / nor no other nor greater somme for any thing touching or concerning the same Certificat vnder the same priue seale.

**P**rovided alweys that the Chauncelours and suche other as shall haue the custodie of the scales of the sayde principallite of wales or the countie palantine of Cheshire / or within the fees liberties and possessions of any other place / where there is libertie and iurisdiction of countie palantyne vpon reasonable requeste / and vpon the syght of the commission vnder the kynges great seale of his Chancery / shall without delaye make out an other commission vnder the seale of the sayde countie palantine accordyng to the tenor of the kynges commission to them shewed vnder his great seale.

And



Unto those commissioners as shalbe named by the lord Chancellor/ lord Treasurer/ & the two chiefe Justices/ or by thye of them/ wherof the lord Chancellor to be one/ except it be within the fees and liberties of the duchie of Lancastre/ within whiche fees and liberties the commissioners shalbe named and commissions made/ as is afoze ordeyned by this act/ any thing conteyned in the sayd acte/ or in any p[ro]viso therunto added and annexed to the contrary therof nat withstanding. This act to endure for .xx. yeres.

**I**n acte concernynge befoze whom recognisances of dettes shalbe made/ and the fourme of the obligation. vi

**I**f as moche as the maires of the Stapull in dyuers places of this realme/ where any Stapull is kepte/ in p[re]sence of the costables of the same Stapul befoze this tyme hath a might lawfully take recognisance or knowlege for dettes/ only concerning & touchynge the marchandise of the same Stapul/ betwixt marchant & marchant of the same Stapull/ acco[rd]yng to dyuers laudable estatutes and p[ro]visions befoze this tyme had ordeyned & made. whiche maires & costables many and sondy tymes sins the making of the same statute haue taken diuers recognisances & knowleges of diuers of the kinges subiectes for dettes/ furnyng the same knowlege or recognisance to be made for suretie of payment of sommes of money for such wares as were or ben bought in the same Stapul: where of trowth the same recognisance dyd not in any wise touche or concerne the marchandise of the same/ ne also the parties/ that is to say the cognisor/ ne the cognisee/ that did knowlege & take the same recognisances/ were marchantes of the same Stapul: whiche recognisances & knowleges/ take in forme aforesaid/ are not only clere contrary to the true meaning & intet of the same former estatutes/ but also thereby diuerse great & sondy inconueniences damages and deceites do daily clye and growe to diuers of the subiectes of our souerayne lord the kynge by reason of the misusynge of p[re]same. And for as moch as the kynes highnes of his most hygh wysdom percepueth the misusynge & execution of the same to be contrary to the forme of the said former estatutes/ Therfoze his pleasure is/ that some true laful & resonable bonde for suretie of paymet of the said dettes of his subiectes shalbe made & diuised by true & iust meanes/ which in it selfe may & shall purpourt right and equite & also consonant to reason.

**I**n consideration wherof/ by thassent of the kinges highnes/ his lordes spiritual & tēporal/ & his cōmons in this p[re]sent parliament assembled & by the auctoritie of the same/ it is enacted ordeyned & stablyshed/ p[re] from the first day of Apryl next comynge p[re] chiefe Justice of the kinges benche & the chiefe Justice of p[re] cōmon place/ which now be/ or at any tyme hereafter shalbe/ & euery of them by him selfe/ & in their absence out of p[re] terme the maire of the Stapul at westminster/ & the recorder of the cite of London for tyme beinge jointly together by his or their discretion shal haue ful power & auctorite to take

to take recognisances or knowleges of euery of the kynges subiectes for the payment of dettes accordyng to suche forme as hereafter ensueth.

**C** Nouerint vniuersi per presentem me A. B. et D. L. armig. tencri et firmiter obligari Jobi at Style in L. li. sterling. soluens eidem Jobanni aut suo cert. at. totū hoc scriptum ostens bered vel execut suo in tal. fest. ec. proxi. futus post dat. presentia. Et si deficero vel defecerim in solucione debis predict. volo et concedo, vel sic, Volumus et concedimus, qd tunc currat sup me bered et executores meos, vel sup nos et quemlibet nostrū bered et execut nros pena in statuto Stapule de debis pro marcandis in eadem emptis recuperand ordinat et prouis. Dat tal die anno regni regio ec.

**A**nd that euery obligation that shall be made / as is afoze sayde / and knowleged befoze any of the sayde chiefe Justices / or the sayde maire and recorder / accordyng to this acte / shall be sealed with the seale of the partie or parties / that shall recognise or knowlege the same / and also with the seale as the kynges highnes shal ordeyne & appoynt for the same / and with the seale of one suche of the sayde Justices / or with the seales of the said maire & recorder & with his or their name or names subscribed / that so shal take the same recognisance or knowlege. And that euery of the sayde two Justices / & the said maire & recorder shal haue the custodie of one such seale by the kynges highnes to be appoynted / with one like print scripture & falcion / which shal seuerally remaine with them to thentet aboue rehered.

**A**nd further be it enacted by the auctozite afozesayde / that suche an honest and discrete person / as shall be assigned by the kynges highnes / or the sufficient deputie or deputies of the same persone so to be assigned / shall make and wryte all suche obligations / as shall be knowleged and recognised by auctozite of this acte / and shal cause the same obligations recognised and knowleged in forme as is aboue sayde / to be enrolled in two seuerall rolles indented / wherof one shall remaine with suche of the sayd Justices or with the sayde maire and recorder / that so shal take the same recognisance in fourme aforesaid / and the other rolle with the wryter therof / appoynted for the same. And that the sayde persone by the kynges highnes to be appoynted for makynge wrytyng and enrollynge suche obligations / or his sufficient deputie or deputies / shall be dwellinge or abiding in the sayd cite of London / vpon peyne to forsayt for euery tyme that he & his deputie shall be absent by space of two dayes ten poundes.

**A**nd further it is enacted by auctozite aforesayd / p the sayd persone so to be assigned by the kynges highnes to wryte make & enroll such obligations or his sufficient deputie or deputies / at p request of the creditours their executors or administratours shal certifie such obligations as shalbe taken & recognised by auctozite of this act / in to the kynges court of Chacerie vnder the seale of the said pson so to be appoynted for wrytyng making & enrolling such obligations. And p euery pson & psons to whom any such obligation shall be made knowleged & enrolled (as is aforesayd) their executors & administratours / & the executors & administratours of euery of them



them for default of payment of the dettes contained in suche obligations/ shall have in every point degree and condicion agens the sayd recognisoz and recognisozs and every of them/ theyr heyres executors and administrators/ and the heyres executors & administrators of every of them like proces execution commodite and advantage in every behalfe/ as hath ben used and accustomed before this tyme to be had done or made of and upon any obligation of the statute of the Stapull/ and under suche maner and fourme as is for the same statute of the Stapull prouyded/ payenge for suche proces and execution to be had suche lyke fees as is accustomed for proces and execution to be had upon obligations of the same statute of the Stapull and not above. And that every suche person and persons that shall be bounden or otherwise greued by vertue of any obligation to be made by auctorite of this acte/ shall have their lyke remedy by Audita querela/ and al other remedies in the lawe/ that they mought have had/ in case they had ben bounden by obligation of the statute of the Stapull. And that every suche persone and persones that shall have proces for execution to be had by reason of any suche obligation to be made and knowleged accorpyng to this acte/ shall paye to the kynges hyghnes / his heyres or successors at the tyme of ensealynge of the proces for execution to be hadde / one halfe peny for every pounce that shalbe conteyned in the obligation/ wher of execution shall be required/ and not above. And that every suche person and persones / that shall happen to have any execution of any londres tenementes or hereditamentes by reason of any such obligations to be made and knowleged (as is above sayde) theyr executors administrators or assignes/ and the executors administrators & assignes of every of them/ if they or any of them ben put out or displeyd / shall have lyke remedy in every point and condicion as persons haupng execution in and upon any statute of the Stapull/ after execution to them had/ may or mighte have by vertue of the said wrytyng obligatorie of the statute of the Stapull and execution of the same. And further be it enacted by the auctorite aforesayd/ that every of the sayde Justices and the sayde maire and recorder / before whom any suche obligations shalbe recognised/ shall take for every knowlege of every one suche recognisance. iii. s. iiii. d. and not above: And the clerke that shall wryte make and enrole the same obligations. iii. s. iiii. d. And for the Certificat of every one such obligation. xx. d. And if any of the sayde Justices maire recorder or clerke take of any of the kynges subiectes above the somme or sommes to the lymitted by this estatute/ that than the said Justices maire recorder or clerke/ that so shal take contrary to the forme aforesaid/ shal forfayt for every time so offendinge forty poun des.

¶ And further hit is enacted by the auctorite afoze sayde / that frome the sayde fyrste dape of Apryll no mayre or constable of the Stapull / for the paymente of anye somme or sommes of moneye / take anye knowlege or recognisance of the sayde statute of the Stapull / of anye

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of the kynges subiectes/ upon peyne to forfait for euery tyme so offending. xl. li. The one moite of al a singuler the sayd penalties to be to the kynges highnes/ & the other moite to the partie that wyl sue for the same. For the recovery wherof the partie that wyl pursue shall haue his remedy by information action of better byll or plaint in any of the kynges courtes: in whiche no essone protection nor wager of lawe shall be admitted.

**¶** Provided alwaye that this acte nor any thyng therein conteyned be in any wyse prejudiciall or hurtfull to any mayre and constables of the Stapull for any bonde or wrytynge of the statute of the stapull to be taken or receyued betwene marchantes beinge fre of the same stapull/ for marchandise of the same stapull betwene them lawfully bought and solde.

**¶** Provided also and be it enacted by thauenturie afore sayde/ that all recognizances before this tyme taken before the maires and constables of any of the sayde stapulls/ wherof the sommes now be nat payde or otherwyse contented lawfully auoyded or discharged by the lawe/ shall be as good & effectual as though they had ben verily made for marchandise of the same stapull and betwene marchant and marchant of the same stapull/ and as they shulde haue ben/ if this acte had neuer ben had ne made.

**¶** In acte that the statutes made for the mayntenance of the Hauie of this realme shall stonde in full strengthe/ and how Galscopne and frenche wyne shall be broughte in/ and the same and other wyne sold. but

**¶** Where for the maintenance and good continuance of the Hauie of this realme of Englande it was ordeined & enacted by a statute made in the. v. yere of the reigne of the right noble kyng Richard the secōde/ that none of the kynges liege people shuld shipp marchandise in any other shipp than in an englyshe shipp/ upon peyne of forfeiture of the said marchandise so shipped. And after that by an other statute made in the. vi. yere of the said noble kyng it was enacted/ that for default of englyshe shippes every man might shipp their marchandises in strangers shippes. And after that at a parliament holden at westm in the. iiii. yere of the late noble kyng of famous memorie kyng Henry the. vii. it was ordeyned and enacted/ that no person shulde carie or bryng any wyne of Galscopne or Guyon or Coloos Obe in to Englande wales Irelande Calice/ or the marches therof/ or Barwike/ but all only in shippes of Englande wales Irelande Calice or the marches therof or Barwike: And that the mayster & matyners of the same shippes for the moste part of them shuld be of the same countres/ upon peyne of forfeiture of the sayd wyne & Obe/ as by the sayd good statutes moze at large is expessed. And not withstandinge the sayd good statutes/ yet neuerthelesse the Hauie of this realme/ and the multitude of the shippes of the same/ whiche tofore



tofoze this tyme hath bene not onely a great benefice and suettie to this realme of Englande in tyme of warre/ but also a hygh commodite to all the subiectes of the same for transpoytynge and conueyance of marchandise in and from this realme/ is now interuailously decayd and appaired: and by occasion therof a great multitude of the kynges liege people/ whiche were maisters and mariniers of shippes/ and by the exercise therof they their wyfes and children had their lyuynge/ be nowe mynysed and empoueryshed in suche wyse/ that within fewe yeres there shall be fewe englyshe men/ that shall be experte in the sees/ to the great perille of this realme and decay of the people of the same/ if remedy be not prouyded in this behalfe. In consideration wherof the kynges moste royall maiestie of his most excellent goodnes/ haupnge tender respecte to the reformation of the pzemilles is contented & pleased/ that it be enacted by his highnes & the lordes spirituall and tempozall/ and the commons in this pzeent parliament assembled/ and by auctozitie of the same/ that the sayd estatutes and euery thyng in them conteyned/ shall stonde in their full strength force & effect/ so that from hensforth no person shall attempt to do cōtrary to the tenours of any of the said estatutes vpon the peynes cōteined in the same.

And it is further enacted by auctozite afoze sayd/ that no maner of person or persons shall discharge and lay on londe out of any shipp or shippes/ or other vessell or vessels any wynes of Gascopne or Guyon or any maner of freche wynes at any haven port creeke or other place wuhin this realme of Englande Irelande wales or the marches of the same at any tyme here after betwene the festes of seynt Michaell the arcangell & the purification of our lady/ vpon peyne of forfaiture of the said wynes so brought in and discharged & leyde on londe at any tyme hereafter betwene the said feastles cōtrarie to this acte. The one halfe of whiche forfaiture to be to the king our soueraine lord/ & the other halfe therof to surty of the kinges subiectes as shall lease or sue for the same by action of detinue or det after the rate of the value therof by originall writt byll playnt or information in any of the kynges courtes. In whiche actions & luites the defendandt shall not be admitted to wage his lawe nor any protection or essoen shall be allowed.

And it is further enacted by auctozitie afoze sayd/ that no pson after the feste of the purification of our lady/ whiche shall be in the yere of our lord god .M.D.xxii. shall sell by retayle any of the saide wynes aboue .viii.d. the galon/ that is to say a peny the peny/ two pence the quarte/ four pence the potell/ & eight pence the galon/ vpon peyn of forfaiture for euery pint to be solde aboue the said price .iiii.d. & for euery quarte sold aboue the said price .viii.d. and for euery potel so solde aboue the said price .xii.d. and for euery galon so solde aboue the sayde price afoze limited .ii. s. And that no malmeseis Romeneis sakkes nor other swete wynes/ after the sayde feast shall be retayled aboue .xii.d. the galon .vi.d. the potell .iii.d. the quarte .x.i.d. ob. the peny/ vpon peyne to lose & forfaiture .iii. s. .iiii.d. for euery galon .x.d.

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for euery potell. xii. d. for euery quarte/ and. vi. d. for euery pinte/ that shall be solde contrary to this acte.

**¶** Couyned alwey that the lord Chancellor/ lord Treasaurer/ lord president of the kynges most honorable counsaile / lord priue seale/ & the ii. chiefe Justices of either benche/ o. v. iiii. o. iii. of them shal haue power and auctorite by theyr discretions to set the prices of all kynde of wyne/ that is to saye of the prices of the butte tonne pye hoggesheed poncheon teers barrell o. ronblet whan it shall be solde in grosse/ so that they o. iii. of them cause the prices by them sette to be wrytten/ and open proclamation therof to be made in the kynges courte of Chauncery openly in the terme tyme / o. elles in the cite borowe o. towne where any suche wyne shall be solde in grosse / any thyng conteyned in this acte to the contrarye hereof not withstandinge.

**¶** And it is further enacted/ that if any persone o. persones / after suche prices be sette and put in wrytynge by the sayde lord Chancellor lord Treasaurer/ lord president of the kynges moost honourable counsaile/ lord priue seale/ and the two chiefe Justices o. by. v. iiii. o. iii. of them/ and proclamation therof had as is afore sayd/ do sell any wyne in grosse by any fraude o. couyne contrary to the sayd prices so set and proclaimed/ that than euery offender in that behalfe shall lose and forsayte for euery vessel by them solde in grosse contrary to the said prices. x. s. The one halfe of all whiche forsaytures to be to the kyng our souerayne lord / and the other halfe therof / if it be within any cite borowe o. towne corporate / to be to the mayres shireffes baylyffes o. other heed rulers of suche cities borowes o. townes corporate : and if it be without cite borowe o. towne corporate / than to be to suche of the kynges subiectes as wyl sue for the same. And that euery suche forsayture shalbe recouered by original writ of dette byll playnte o. information. In whiche suite no wager of lawe shall be admytted no. any protection o. escoen allowed.

**¶** And it is also enacted/ that the Justices of peace in euery shyre of this present realme/ and all mayres shireffes baylyffes and other heed officers in cities borowes and townes corporate/ that is to say euery of them within the limites of their commissions and auctorities/ as well within franchises as without / shall haue power and auctorite to examyne here inquire and determyne the defaultes of suche as shall attempte to selle any wyne in grosse o. by retayle contrary to this acte/ And to punish the offenders by imprisonment o. otherwys by their discretions.

**¶** Couyned alwey that if it fortune any shyppe o. shippes vessel o. vessels laded with the sayde wyne of Gascoyne o. Guyon o. frenche wyne at any tyme here after to come to any porte creke o. haven within this realme of Englande Irelande wales o. the marches of the same/ betwene the sayde feastes of seynt Mychaell the arcangell / and the Purification of our lady/ and than the vessels conteynyng the sayd wyne/ o. the shyp o. other



or other vessell or vessels bearynge the same / happen to falle in leke / that than it shall be lafull to the owner or buyngers therof / at all tymes betwene the sayd feastes / to discharge the sayd wyne out of any suche shyp vessell or vessels for the sauyng of them. So that the sayde owner or owners of the sayde wyne / so discharginge the same / make no sale or other vetterance of them at any tyme betwene the sayde feast of seint Michael / and the sayde feast of the purification of our lady / any thinge conteyned in this acte to the contrarie herof not withstandinge.

¶ And where as in the parlyament holden at westm in the fyrste yere of the reigne of kynge Richard the thyrde amonge other thynges it was established ordeyned and enacted / that every tonne of wyne shulde conteyne .CClii. galons / every butte of malmesey shulde conteyne .Cxxvi. galons / every pype .Cxxvi. galons / every tertian or poncheon .lxxxiii. galons / every hoggeshead .lxxii. galons / every teerce .xli. galons / and every barrell .xxxi. galons and di / and every rondlet .xxvii. galons and di : And that no vessell shulde be put to sale tyll it were gauged / vpon payne of forfayture / as by the same estatute it doth appere moze at large. Neuer the lesse great dyscepte is daily vsed in sellynge of wyne and oyle in caskes and vessels not bearynge the contentes aboue limited to the great losse of the kynges pooze subiectes. For remedy wherof be it enacted by the auctorite of this presente parlyament / that the sayd estatute made in the fyrste yere of kynge Richard the thyrde / and al other estatutes here tofore made for trewe gaugynge and measures of wyne oyles honny or any other licours / whiche estatutes before this tyme be not repelled nor expired / shall stande in theyr strength and vertue and be put in due execution accordeinge to theyr tenours and effectes in every behalfe.

¶ And ouer that be it enacted by auctorite of this present parlyament that every gaugeour within this realme shall truely and effectually within the limittes of his office gauge all the sayde tonnes buttes pypes teerces poncheons tertians barrells hoggesheades and rondlettes and shall plainly and truely marke vpon the heed of every suche vessell the content of the same / vpon payne to forfayte to the partie / to whose vse the wyne oyle or other thinge therin beinge shall be solde / foure tymes the value of that that the vessell so marked shall lacke of his lafull contente aboue wyrten. The same forfayture to be recouered ouer and besides the costes of the sute by the kynges originall wyrtte / or by bylle in any of the kynges courttes of his comon lawes / or in any competent courtte hauinge iurisdiction in the place / where that offence shall be committed / by action or bylle of dette / In whiche action or sute none eslopye protection nor wager of lawe shall be accepted admitted or allowed to the defendand or defendantes. And that every marchant or other person sellinge the sayde wyne oyle or other thinge conteyned in the sayd vessell marked shall allowe of the price thereof to the buyer of the same for every quantyte of wyne oyle or other thyng conteyned

conteyned in the sayde marked vesselles the full value of the lacke therof/ beinge by reason of defeaute of full gauge of the vessell marked / or of defeaute of fyllynge the same vessell / or by reason of defeaute of any of them after the rate of the holle price of the wyne oyle or other thinge so beinge solde by that vessell marked / And that vpon payne of forfaiture to the same byer the double value of the same vessell and wine oyle or other thinge therein beinge so solde the same forfaiture to be recovered to gether with the costes of the sute/ in maner and fourme as the forfaiture last before writ- ten is limited to be recovered. This acte to continue vnto the laste day of the next parlyament.

**C**In acte concernynge the amendinge and meynenance of the hauens and portes of Plymmouth / Dartmouth / Ceyngmouth / Falmouth and Fowey in the counties of Deuonshyre and Cornewall. viii

**R**eioously sheweth and complayneth vnto the kyng our so- ueraigne lord/ and to the lordes spirituall and temporall/ and the comons in this present parliament assembled / the inhabitantes of the townes and portes of Plymmouth Dartmouth and Ceyngmouth in the countie of Deuonshyre / Falmouth and Fowey in the countie of Cornewall/ that where the sayd portes haue ben in tyme past the principall and moste comodious hauens and portes within this realme for the rode suertie and preservation of shippes resortynge from all places of the worlde as well in peryll of stormes as other wyse. For where before this tyme all maner of shippes beinge vnder the portage of .viii. C. tonnes resortyng vnto any of the sayde portes or hauens myght at the lowe water easely enter in to the same / and there lye in suertie / what wynde or tempest so euer byd blowe. By reason wherof not onely a great multitude of shippes / as well of this realme as of other regions and countreys before this tyme haue bene preserved and saued/ but also in tyme of warre the sayd hauens and portes haue ben the greatest fortification and defence of that part of this realme/ and the speciall preservation of the great parte of the same of the same : whiche sayde portes and hauens ben at this present tyme in maner utterly decayde and dystroyde by meane of certayne tynne workes/ called streame workes / vsed by certayne persons within the sayde coun- ties : whiche persons more regardynge theyr owne priuate lucre than the common welthe and suertie of this realme/ haue by workynge of the sayd streame workes digginge serchynge and washyng of the same nere vnto the freshe ryuers waters and lowe places descendinge and commynge out of the londe towarde and into the said portes and hauens to the set/ con- ueyed by the force of the sayde freshe ryuers a maruailous great quantite of sande



of sande grauell stone cobell erthe styme and sylthe in to the sayde portes and hauens / and haue so fylled and choaked the same / that where before this tyme a shyppe of the portage of. viii. C. as is afore sayd / myght haue easely entred at a lowe water in to the same / now a shyp of a hundred can scarcely entree at the halfe fode / to the decay and vtter destruction of the sayde hauens and portes / and also to the ruine and vtter vndoinge of all the good towne within the sayde counties of Devonshire and Cornewall / if remedy be not in that case speedily prouided . For reformation wherof be it enacted by the kyng our souerayne lord / the lordes spirituall and tempozall / and the commons in this p[re]sente parliament assembled / and by auctozyte of the same / that no person or persons here after shall labour or worke / or cause to be labored or brought in any manner of tynne workes called Breeme workes within the sayde counties of Devonshire or Cornewall nyghe to any of the sayde freshe waters ryuers or lowe places disceyninge or hauynge course vnto the sayde hauens or portes or any of them / nor shal labour digge or washe any tynne in any of the said tynne workes called Breeme workes / onlesse the sayde digger owner or washer shall make or cause to be made sufficient hatches and tyes in the ende of theyr bubbelis and cordes / and therein put and lape or cause to be put and layde all the sande stones grauell and cobell digged aboute the interchunge fynyng and washyng of the sayd tynne / there to be holly and suerly kepte / by the sayd hatches and tyes out and from the said freshe ryuers or water courses or any of them / so that the sayde sande stones grauell and cobell / ne any parte therof be for lacke of suche hatches or tyes conueyd in to the sayde portes and hauens or any of them / vpon peyne to forfait for euery tyme / that any owner or tynner shal digge or washe / or cause to be digged or washed any tynne contrarie to the fourme afore sayde ten poundes . The one halfe therof to be to the vse of our souerayne lord the kyng / and the other halfe therof to be to any of the inhabitantes of the said porte / townes or hauens that wyl sue for the same in any of the kynges courtes by originall wytt byll playnt information or other wise / wherein the defendant shall not be admitted to wage his lawe / ne any protection or esson shall be allowable .

¶ And be it further enacted by auctozyte afore sayde / that if any person or persons shall happen to be sued accused indited imprisoned amerced condemned or otherwyle verryed or troubled in his person londes tynworkes goodes or catels by any of the ministers or officers of any the kynges courtes of Itinerary / or by any other person or persons for pursuynge or attemptynge any sute or action accordynge to this estatute / agaynste suche person or persons as shall offende contrarie to the fourme afore sayde / that than all suche suites accusementes enditementes imprisonementes actions condempnations fines amerciamentes and euery other acte or actes to be done in any of the sayde courtes of Itinerary or els where by any person or

person or persons agayn any person or persons for swinge or attemptinge any lutes or actions by vertue of this estatute / shall be utterly voyde and of none effecte in the lawe / And that the parties such indited accused imprisoned or other wise greued or molested for pursunge agayn any person or persons offendynge this estatute / shall haue his action and remedy grounded vpon this statute by originall wytte byll playnt information or otherwise in any of the kynges courtes / agayne suche as shall procure or attempte to vex trouble or otherwise molest any suche person or persons for swinge or pursunge for the forsaithures afoze sayde / And shall recouer treble damages in that behalfe / And the partie defendant shall not be admitted to wage his lawe ne any protection essoine nor priuilege shall be to him allowable. And if it shall happen any person or persons for pursunge any lute or action vpon this estatute or by occasion of the same hereafter to be imprisoned by any maner person or persons / beinge officers or ministers of the Stannery / theyr deputies or substitutes / that than euery of the Iustices of peace within any of the counties afoze sayde / wherein the sayde prisoner shall happen to be committed to prison vpon credible information / therof takynge suertie by his discretion for apparance of suche prisoner at the nexte generall sessions of peace / shall haue power and auctorite as well to directe his warant to the gaylour or keeper of the prison / as to any other person or persons / to whom the sayde prisoner shall be committed vnto / commaundynge him or them vpon payne of forsaithure of .xl.s. to deliuer and put at large the sayde prisoner or prisoners : whiche if he refuse so to do / than euery suche offender shall lose and forsaite the sayde .xl.s. The one halfe of whiche forsaithure to be to the vse of our soueraygne lord the kinge / and the other halfe to him that is greued by reson of suche imprisonment / to be recouered in maner and fourme afoze sayde : And the defendant in any action or lute for the same shall not wage his lawe / ne haue any essoine or protection allowed. And if it shal appere vpon the apparance of suche prisoner at the quarter sessions by examination of the Iustices of peace there being / that he was imprisoned contrary to the forme of this estatute / that than he shall be forth with dismissed & thereby discharged. And if he were lawfully imprisoned for any other iuste cause / than to be remanded to prison by the discretion of the sayd Iustices.

**¶** Provided alwey that this acte or any thinge therein conteyned be not in any wise preiudiciall or hurtfull to any of the officers of the Stannery / ne to any of theyr lawfull libertyes priuileges vsages lawes or customes / saynge onely in the cases and prouisions conteyned and limited within this present acte / whiche shall alwey be put in execution accordynge to the tenor of this acte / any vsage custome priuilege ordinance or libertie to the contrarie therof not withstandinge.

**¶** And it is enacted / that this acte shall begynne to take effecte from the feast of seynt Michael the archangell nexte comynge / and not before.

In acte



**I**n atte that no person shall be cited out of the diocese / where he or she dwelleth / excepte in certayne cases

12



Where great nombze of the kynges subiectes as well men / wyues / seruantes as other the kynges subiectes dwellinge in diuers Diocesess of this realme of Englande and of wales / here tofore haue ben at many tymes called by Citations and other pzoesses copulsaries to appere in the Arches Audience and other high courtes of the archebischoppis of this realme / farre from and out of the Diocese / where suche men / wyues / seruantes / and other the kynges subiectes ben inhabitant and dwellinge / and many tymes to answer to surmised and feyned causes and lutes of defamation / with holdinge of tithes / and suche other like causes and matters / whiche haue ben sued moze for malice and for vexation / than for any iuste cause of sute. And where certifiat hath ben made by the somoner / apparitour / or any suche light litterat person that the partie / agaynst whom any suche Citation hath ben awarded / hath be cited or somoned / and there vpon the same partie so certified to be cited or somoned / hath not appered acco2dinge to the certifiat / the same partie therfore hath ben excommunicated / or at the leest suspended from all diuine seruice / And therupon befoze that he or she coude be absolved / hath be copelled not onely to pay the fees of the courte / wher vnto he or she was so called by citation or other pzoesse / amountynge to the somme of .xl.s. or .xx. d. at the leest : but also to pay to the somoner apparitour or other light litterate person / by whom he or she was so certified to be somoned / for every mile / bringe distant from the place where he or she than dwelled vnto the same courte / where vnto he or she was so cited or somoned to appere / two pence / to the great charge and impouertissement of the kynges subiectes / and to the great occasion of misbehaueour and misluyng of wyues / women / and seruantes / and to the great impeirement and diminiution of their good names and honesties. Be it therfore enacted by the kyng our soueraigne lord / with the assent of the lordes spirituall and tempozall / and the commons in this present parliament assembled / and by auctozite of the same / that no maner person shall be from hensforth cited or somoned or otherwise called to appere by him selfe or her selfe or by any pzocuratour befoze any ordinarie / archedeacon / commissarie / officiall / or any other iugge spirituall out of the Diocese or peculiar iurisdiction / where the person / whiche shall be cited somoned or otherwys (as is aboue sayde) called / shall be inhabitynge and dwellinge at the tyme of awardinge or goinge forth of the same citation or somons : excepte that it shalbe for in or vpon any of the cases or causes here after wryten : That is to say for any spirituall offence or cause comitted or done / or omitted forflewed or neglected to be done contrarie to right or dutie

or dutie by the bisshoppe archedeacon commissarie officiall or other person  
 hauinge spirituall iurisdiction / or beinge a spirituall iudge or by any  
 other pson or psons within the Diocese or other iurisdiction/ where vnto  
 he or she shal be cited/ or otherwise lausfull called to appeere & answer. And  
 excepte also it shall be by or vpon matter or cause of appele or for other  
 lausfull cause / wherein any partie shall fynde him selfe or her selfe greued  
 or wronged by the ordinarie iudge or iudges of the diocese or iurisdiction/  
 or by any of his substitutes officers or ministers after the matter or cause  
 there fynde commensed and begonne / to be shewed vnto the archebisshop  
 or bisshop/ or any other hauinge peculiar iurisdiction/ within whose pro-  
 uince the diocese or place peculiar is. Or in case that the bisshop or other  
 immediate iudge or ordinarie dare not or wyl not conuente the partie to  
 be sued befoze him. Or in case that the bisshop of the diocese/ or the iudge  
 of the place / within whose iurisdiction or befoze whom the sute by this  
 acte shulde be comensed and prosecuted be partie directly or indirectly to  
 the matter or cause of the same sute. Or in case that any bisshop/ or  
 any inferiour iudge / hauinge vnder him iurisdiction in his owne right  
 and title/ or by commission make requeste or instaunce to the archebisshop  
 bisshop or other superiour ordinarie or iuge/ to take treate examin or deter-  
 mine the matter befoze him or his substitute. And that to be done in cases  
 onely/ where the lawe Civile or Canone dothe affirme execution of suche  
 requeste or instance of iurisdiction to be lausfull or tolletable/ vpon payne  
 of forfaiture to euery persone by any ordinarie commissarie officiall or sub-  
 stitute by vertue of his office / or at the sute of any person to be cited or  
 otherwise somoned or called contrarie to this acte / of double damages and  
 costes for the vexation in that behalfe susteyned / to be recovered agaynst  
 any suche ordinarie commissarie archedeacon officiall or other iuge / as  
 shall awarde or make procelle/ or otherwyle attempte or procure to do a-  
 ny thyng contrary to this acte/ by action of dette/ or action vpon the case/  
 accordyng to the course of the common lawe of this realme/ in any of the  
 kynges high courtes / or in any other competente tempozall courte of re-  
 corde by originall wytte of dette bill or playnte. In whiche action no  
 protection other than suche as shall be made vnder the kynges great seale/  
 and signed with his sygne manuell/ shall be allowed / neyther any wager  
 of lawe nor esloyn shall be admitted. And vpon payne of forfaiture  
 for euery person so somoned cited or otherwise called (as is aboue sayd) to  
 answere befoze any spirituall iudge out of the diocese or other iurdicti-  
 on where the sayde person so dwelleth/ or is resident or abydinge / tenne  
 poundes sterlinge. The one halfe therof to be to the kyng our souerayne  
 lord/ and the other halfe to any persone/ that wyl sue for the same in any  
 of the kynges sayde courtes/ or in any other the sayde tempozall courtes /  
 by wytte information byll or playnte. In whiche action no protection  
 shall be allowed/ nor wager of lawe nor esloyn shall be admitted.

Provided



**¶** Provided alweys that it shall be lefull to every archebischoppe of this realme to call cpte and somon any persone or persons inhabitinge or dwellinge in any bisshops Diocese within his prouince for causes of heresie / if the bisshop or other ordinary immediat there vnto consent / or if that the same bisshop or other immediat ordinary or iudge do not his due tie in punishment of the same.

**¶** Provided also that this acte shall not extende in any wyse to the prerogative of the moste reuerend father in god the archebischop of Canterberp or any of his successours or of for calling any person or persons out of the diocese where he or they be inhabitinge dwelling or resident for probate of any testament or testaments / any thinge in this acte conteyned to the contrary notwithstandinge.

**¶** And be it further enacted by auctorite aforesayde / that no archebischop nor bisshop ordinarie officiall commissarie or any other substitute or minister of any of the sayde archebischops bisshops archdeacons or other havinge any spirituall iurisdiction / at any tyme from the feast of Easter next commynge shall aske/demaunde/take/or receyue of any of the kynges subiectes any somme or sommes of money for the seale of any citation / after the sayde feast to be awarded or ordeyned / than onely thre pence sterling / vpon the peines and penalties before limited / conteyned and expessed in this presente acte / to be in lyke fourme recovered as is aforesayde.

**¶** Provided alweys that this acte be not in any wyse hurtfull or prejudiciall to the archebischop of yorke / nor to his successours / of for or concerning probate of testaments within his prouince and iurisdiction by reason of any prerogative / any thinge in this acte to the contrary therof not withstandinge.

**¶** In acte concernynge feoffmentes and assurance of londres and tenementes made to the vse of any parryshe church / chapel / or suche lyke.



Where by reason of feoffmentes fynes recoveries and other estates and assurances made of truste of maners londres tenementes and hereditamentes to the vse of parryshe churches chapels church wardens Guildes fraternities comunaltes companies or brotherhodes erected & made of deuotis / or by comon assent of y people without any corporation / and also by reason of feoffmentes fynes recoveries wylles & other actes made to any vles aforesaid / or to the vles & intentes to haue obites ppetual or a continuall seruice of a prest for ever / or for .iiii. score or .iiii. score yeres funde of chissues & pfitis of the maners lodes tithes & hereditamentes / wherof suche feoffmentes fynes recoveries wylles & other actes be made / or y y freres conuees recouers or other

other persones and theyr heires therof seised/ shall take leuie receyue and perceyue or cause or suffer to be taken leuied and perceyued thissues reuenues & profits therof/ and the same to dispose pay conuerter or otherwys employe / or suffer or cause to be disposed payde conuerted or employde to any suche vses intentes or purposes as ben aboue especified / or to any other lyke vses or intentes : there groweth and issueth to the kyng our soueraygne lord/ and to other lordes and subiectes of the realme / the same lyke losses and inconueniences / and is as moche prejudiciall to them / as dothe and is in case where lordes be aliened into mortmayne. Be it therfore enacted by the kyng our soueraygne lord/ the lordes spirituall and tempozall/ and the commons in this presente parlyament assembled / and by auctoritie of the same/ that all and euery suche vses intentes and purposes of what name nature or qualite they shall be called/ that shall be deuysed counaunted made declared or in any wysse ordeyned/ after the fyrste daye of Marche / in the. xxiij. yere of the reygne of our soueraygne lord king Henry the. viij. by any fessre recoueror or comisee or by any other pson or persons to whose vse any such fessre recoueror or comisee, shalbe sealed of any manours lordes tenementes or hereditamentes / or of thissues reuenues & profits of them or any of them/ shall be utterly voyde and of no strength vertue nor effecte in the lawe.

**C**onveyed alway that it shall be lausfull to euery persone beyng seased of any manours landes tenementes or hereditamentes to his owne propre vse or hauinge fessres recouerors or comisees to his vse/ to make ordeyne or deuise or cause to be made ordeyned or deuised any of the vses intentes or purposes aboue specified in suche maner as they moughte haue done afore the makynge of this acte/ and as if this acte had neuer be had ne made : So that none suche vses intentes or purposes to be made ordeyned or deuysed after the sayde fyrste daye of Marche/ be not in any wise made ordeyned deuysed or appoynted to endure continue or abyde by any crafte colour termes sentences clauses wordes or other meanes aboue the terme of. xx. yeres nexte after the fyrste makynge and begynnynge of any suche vses intentes or purposes.

**A**nd it is further enacted/ that if any persone or persones in defraude of this estatute bynde or ordeyne any their heires or successours or any other persone or persones/ that they shall suffer suche vses intentes or purposes to endure and continue contrarie to this acte vpon paynes or penalties of losses of any other lordes tenementes or hereditamentes / or of any other thyng or thynges/ or do attempte or deuise by any colour crafte or meanes any thyng or thynges to make any suche vses intentes or purposes to be declared / contrarie to the trewe meanynge of this acte / to continue or abyde for any longer tyme or season than is aboue lymitted for the same : that than euery suche payne penaltie crafte colour and euery other thyng and thynges/ of what kynde nature or qualite so euer it be/ that



that shall be so made ordeyned or deuyled in deftraude of this acte / shalbe vtterly voyde in the lawe to all intentes. And that this estatute shall be alwayes interpreted and expounded as beneficially as maye be to the destruction and vtter auoydng of suche vles intentes and pourposes therein aboue remembred / and of all other lyke vles & intentes / otherwyle than alonly after suche maner as is afoze by this present acte prouyded.

**P**rouyded alway that in suche cities and towne co:porate / where by they: auncient customes they haue good and lauffull auctorities to deuyse in to moztmayne the landes tenementes and heredytamentes within the same cities or towne co:porate / that this acte shall not be in any wise preiudiciall or hurtfull to any suche custome.

**P**rouyded alwaye that this acte ne any thyng therein conteyned shall extende or be in any wyle preiudiciall to hynder or impayre any suche ordynances deuyses or declarations of vles / as shall here after be made and declared in wytyng by the executours of the testaments and laste wylles of Roberte Jannis and John Terry late aldermen of the cite of No:wyche / nowe deceased / or by the executours or the suruiuour of the executours of eyther of them / of any londes tenementes or heredytamentes / not amountynge in the holle aboue the clere yerele value of. xl. li. to be employde & conuerted to and for the discharge of Tolles and Customes within the sayde cite / and at the gates of the same / for the discharge of pooze people within the same cite of Taxes and Collages hereafter to be assessed and leuyed / and for the cleansing of the streetes of the same cite / or for any of the sayde good purposes acco:dyng to the trewe intentes and meanynge of the sayde laste wylles and testaments / and of eyther of them : so that the same ordynances deuyses and declarations be hadde made and certified in wytyng into the kynges courte of Chancery within two yeres nexte ensuenge the feast of Ester nexte comynge.

**An acte concernynge brekyng of prison by clerkes conuicte.**

**W**here byuers persons being conuicte of murder or felony / hauynge the priuilege of their clergie / and deliuered to the ordinarie / afterwarde wilfully brekeþ prisons of the ordinarie and escape their wayes / doyng and comyttyng great horrible and detestable offences / and as hytherto for suche wylful brekyng of prisons of ordinarie by clerkes couict hath not ben prouided any great penaltie / wherby they shuld stonde in drede of doing of the same. Be it therfore enacted by auctozite of this present plament / that if any clerke conuict being in prison of any ordinarie / wilfully breke the said prison & escape his wey out of the same / þ̄ thā euery suche brekyng of prison & escape shalbe from henc forth demed & adiuaged felony / & the offender therein shal haue

haue and suffre suche peyne of dethe and penaltie / and losse of his londes & goodes / as for other felonies is accustomed by the lawes of this realme / and shall not in any wyse be admytted to haue the priuilege or benefite of his clergie / nor enioye any scyntuary for the same.

**C**ourded alway that if any suche offender be within holly orders / that is to saye of the orders of subdeacon deacon or presthode / that than after he is conuicte of the premisses he shall be deliuered to the ordinarie / there to remayne without any purgation .

**A**nd it is enacted / that it shall be at the libertie of the ordinarie to disgrace any suche offender after he is founde guilty and deliuered to hym / as a clerke conuicte / and sende hym befoze the kyng in his bench with letters wytnessynge the sayde disgradyng / and therupon the Justices of the kynges bench / haueynge the recoorde of his conuiction / shall haue power and auctoritie to geue iugement ageyne every suche offender beyng conuicte and disgraced / that he shall suffer dethe / lyke as they mought do in case the same offender had ben a lay man / and acondemned and founde guilty afoze them of the sayde offence / the deliuerynge of suche offender afoze to the ordinarie not withstandynge .

**A**n acte for takynge exactions vpon the pathes of Sweerne. xii



Where the kynges subiectes passynge vpon the ryuer and water of Sweerne / haue bled tyme out of mynde to haue and vse a certayne pathe of a foote and a halfe brode on euery syde of the sayde ryuer for drawynge by by lynes or ropes their trouges barges botes and other vessels passynge or repassynge on the sayde riuer of Sweerne with wyne or any other marchaundysse /

without any imposition taxe or tolle to be demanded of them that so shuld carie wyne in any of the sayde vessels for the sayde passynge and drawynge in the sayde pathes accustomed / tyll nowme of late certeyne couetous persons haue pertourbed and interrupted many of the kynges subiectes / halynge and drawynge by their vessels in the sayd pathes / takynge of them fynes and draughtes and botels of wyne / and yet daily vse to take / to the disturbance and losse to many of the kynges subiectes.

**B**e it therfoze enacted by the kyng our souerayne lord / and the lordes spirituall and tempozall / and the commons in this present parliament assembled / that no persone or persones interrupte by any obstacle lette or otherwyse any persone or persones passynge or repassynge ou and vpon euerye of the sayde pathes accustomed / nor also are take or demaunde any tolle called a draught / or bottell of wyne / or any other taxe or imposition of any of the kynges subiectes there goynge in the sayd pathes accustomed / vpon euery syde of the riuer of Sweerne there halynge or drawynge they?



their botes trougheſ or beſſels / bpon peyne to forſaſt for euery tyme that  
he or they ſo ſhall interrupt any of the kynges ſubiectes / or are or take any  
ſuche impoſition / by what name ſo euet it be called. *xl. s.* The one halfe  
therof to be to the kyng our ſoueraigne lord / And the other halfe to the  
partie greued / that wyl ſue for the ſame by byll playnt information or  
therwyſe / in the whiche ſuite no elſoyne wager of lawe nor protection  
ſhall be allowed.

**C**An acte that men in cities boroughes and townes / whiche  
be clerely worthe. *xl. li.* in goodes / ſhall paſſe  
in triall of murders. *xii*



Or as moche as triall in murders and felonies in cities  
boroughes and townes corporate within this realme  
hauing auctorite to procede in the deliuerance of ſuch  
offenders / ben often tymes deferred and delayed by  
reason of chalenge of ſuche offenders for lacke of ſuffi-  
ciencie of freholde / to the great hynderance of Juſtice.

It may therfore be enacted by auctorite of this pre-  
ſent parliament / that euery perſon or perſons beyng the kynges naturall  
ſubiecte borne / whiche either by the name of a citeien or of a free man or any  
other name dothe enioye and uſe the liberties and priuileges of any cite  
borough or towne corporate / where he dwelleth and maketh his abode /  
beyng worthe in mouable goodes and ſubſtaunce to the clere value of. *xl.*  
poundes / be from henceforth admittid in triall of murders and felonies  
in euery ſeſſions and gayles of deliuerie to be kepte and holden in and for  
the libertie of ſuche cities boroughes or townes corporate / All be it they  
haue no freeholde / any acte ſtatute uſe cuſtome or ordynance to the con-  
trary hereof not withſtandynge.

**C**Provyded alway that this acte do nat extende in any maner of wyſe to  
any knyght or eſquier dwellinge abydynge or reſortynge in or to any  
ſuche cite or borough corporate / any thyng in the ſame acte mencioned  
or declared to the contrary hereof not withſtandynge.

**C**Proceſ of outlarie to lye in actions of anno. *v. R. ii.*  
in couenaunt and annuite *xiii*



Or as moche as there is great delapes in actions of treſpas  
broughte vpon the ſtatute of kyng Rycharde the ſeconde /  
made in the. *v.* yere of his regne / ayeuſt them ſ make entrees  
in to any lordes or tenementes / where their entre is not peneu  
by the lawe / And alſo in actions of annuite and actions of co-  
uenant / becauſe there lieth no proces of outlary in ſuch nature of actions.

D. iii.

for re:

For refozmacion wherof it may please the kinges highnes/by the aduise  
of his lordes spirituall and tempoꝛall / and the Comons in this pꛛesente  
parlyamente assembled / and by auctozitie of the same / to ordeyne and  
enacte / that lyke pꛛoces be had hereafter in euery action from hencefoꝛth  
to be bꝛought vpon the sayde estatute of anno quinto / as is in a common  
action of trespas at the comou lawe / and that also lyke pꛛoces be had in  
euery wytte of annuities and couenaunt hereafter to be sued / as in an  
action of dette.

An acte that the defendante shall recouer costs agaynst the pleyn  
tife / if the pleyn tife be nonsuited / or if the ver-  
dict passe agaynst him rb



It enacted by the kyng our soueraygne lord / and  
the lordes spirituall and tempoꝛall / and the comons in  
this pꛛesent parlyament assembled / and by auctozitie of  
the same / that if any person or persons at any tyme after  
the feast of the Purification of our lady in the .xiii.  
yere of the reygne of our soueraygne kyng Henry the  
viii. comenle or sue in any court of recoꝛde or els wher  
in any other court / any action byll or playnt of trespas vpon the statute  
of king Richard the seconde / made in the .v. yere of his reygne / for entrees  
in to londres & tenementes / where none entre is gyven by the lawe / or any  
action byll or playnte of dette or couenaunt vpon any especialte / made to  
the pleyn tife or pleyn tifes or vpon any contracte suppoꝛsed to be made be-  
twene the pleyn tife or pleyn tifes / and any person or persons / or any action  
byll or playnt of detinue of any goodes or catalles / whereof the pleyn tife  
or pleyn tifes shal suppoꝛse / that the pꛛopertie belongeth to them or to any  
of them / or any action byll or playnt of accompt / in the whiche the pleyn tife  
or pleyn tifes suppoꝛse the defendaunte or defendauntes to be theyꝝ bailife  
or bailifes receiuaour or receiuaours of their maner mese money or goodes  
to yelde accompte / or any action byll or playnt vpon the case or vpon any  
statute for any offence or wꝛong personall immediatly suppoꝛsed to be done  
to the pleyn tife or pleyn tifes / and the pleyn tife or pleyn tifes in any suche  
kynde of action byll or playnt after apparance of the defendaunt or defend-  
auntes be nonsuited / or that any verdict happen to passe by lausfull tri-  
all agaynst the pleyn tife or pleyn tifes in any suche action byll or playnte :  
that than the defendaunt or defendauntes in euery suche action byll or  
playnt shal haue iugement to recouer his costes agaynst euery suche pleyn-  
tife or pleyn tifes / And that to be assessed and taxed by the discretion of the  
iuge or iuges of the court / where any suche action byll or playnt shal be  
commenced sued or taken. And also that euery defendaunte in suche action  
byll or playnte shal haue suche pꛛoces and execution for the recouere  
and



and haupnge of his costes agaynst the pleyntife or pleyntifes/as the same pleyntife or pleyntifes shulde or myght haue had agaynst the defendante or defendantes/ in case that iugement had ben gyuen for the part of the sayd pleyntife or pleyntifes in any suche action byll or playnt.

**W**herupon alway that all and euery suche pooze persone or persons be-  
pynde pleyntife or pleyntifes in any of the sayd actions bylles or pleyntes.  
whiche at the commencement of their suites or actions be admitted by dis-  
cretion of the iudge or iudges/ where suche suites or actions shall be pur-  
sued or taken / to haue their processe and counsaile of charite without any  
money or fee payinge for the same/shal not be compelled to pay any costes  
by vertue or force of this estatute/ but shall suffice other punysshement /  
as by the discretion of the iustices or iuge/ afoze whome suche suites shall  
depende/ shall be thoughte reasonable / any thyng afoze reherfed to the  
contrary herrof nat withstandynge.

**I**n acte that no englysh man shall sell/exchange or deliuer to  
be conueyde in to Scotlande any horse/geldynge/ or mare/  
without the kynges licence xvj



Where befoze this tyme dyuers of the kynges subie-  
ctes/and namely of the North parties of this realme/  
as well in tyme of peace as of warre / haue solde and  
deliuered out of this realme into Scotlande many  
and diuers great multitude of horses geldynges and  
mares / whiche hath ben thought not onely great oc-  
casion strength and boldenes to the Scottysshemen /

haupnge in possession the same horses geldynges and mares in tyme of  
warre to inuade this realme / to the great detriment and hynderaunce of  
the kynges pooze subiectes of this his realme/but also a great enfeblynge  
of the kynges sayd subiectes in the defence of the same.

**B**e it therfoze enacted by auctoritie of this present parlyament/ that if  
any persone or persones after the feest of seynt George the martyr next co-  
myng sel exchange or deliuer within the realme of Scotlande or in any place  
or grounde called the batable grounde betwene Englande & Scotlande/  
to the vse of any Scottyssh man any horse geldynge or mare without li-  
cence opteyned of the kynges hyghnes by his letters patentes vnder his  
great seale so to do/ or sell exchange or deliuer to any Scottyssh man with  
in this realme of Englande wales the towne of Barwyke or marches  
of the same or in any of the sayde batable grounde / to the intent to be con-  
ueyed in to Scotlande/any horse geldynge or mare without speciall licence  
opteyned of the kynges hyghnes by his letters patentes vnder his great  
seale so to do: that than the same sale exchaunge or deliuer of suche horse  
geldynge or mare/contrary to this present acte/shalbe aduinged and deemed  
by the

by the lawe felony aswelle in the seller exchaunger oꝛ deliuerer / as also in him oꝛ them to whom the same sale exchaunge oꝛ deliuerer shall be made. And that it shall be lefull aswell to the warden & wardens of the east weast and myddell marches foꝛ the tyme beyng / in their warden courtes / as also to the kynges Justices of his peace in their quarter sessions in every shyre of this realme / to enquire here and determyn all and every suche felonies / after lyke maner as is vled in other felonies at the common lawe / whether the same sales exchanges oꝛ deliueres be made hadde oꝛ done by any persone oꝛ persones contrary to this acte in the realme of Scotlande oꝛ in any parte of the sayde batable groundes / oꝛ within the realme of Englande wales Barwyke oꝛ marches of the same. And that it shal be lefull to every persone & persons / beinge the kynges Subiectes / & inhabityng in the foꝛsayde marches foꝛ apenst Scotlande to arrest any Scottishe man leadinge oꝛ coueyng any suche hoꝛs gelding oꝛ Mare out of this realme into the sayde realme of Scotlande / And that the moytie oꝛ one halfe of the pꝛice of the sayde hoꝛse geldyng oꝛ mare shall be to the vse of the seysour and arrestour of the same after due triall of the same made / And the other moytie to the kynges hyghnes.

An acte concernynge the trewe windinge of wolles xvii



It enacted by the kyng our souerayne loꝛde / and the loꝛdes spirituall and tempoꝛall / with the cōmons in this pꝛesent parlyament assembled / and by auctoꝛite of the same / that from hencefoꝛth no maner of person ne persons do winde oꝛ cause to be wounde any fleesse of woolle beyng not sufficiently tꝛuered oꝛ wasshed / ne winde oꝛ cause to be wounde within any fleese / clay / leede / stones / sande / tayles / deceptfull lokes / cotte / calles / combe / lāmes wolles / oꝛ any other thyng / wherby the fleese may be the moꝛe weighty / to the disceite and losse of the bier / vpon pepue the seller of any suche deceptfull wolles to foꝛsaite foꝛ every suche fleese .vi. d. the one moytie to the kyng / the other to the fynder and pꝛouer of the same disceite / by action of dette by originall wꝛytte byll playnt informacion oꝛ other wyse in any of the kynges courtes / in whiche action no wager of lawe esloyne ne protection shall be allowed foꝛ the defendante.

It is provided alway that this acte cōcerning tꝛueringe & wasshinge of any wolles shall not in any wyse extend to any shyre oꝛ shyres / the inhabitantes whercof hath not customably vled befoꝛe this tyme to tꝛuer oꝛ washe theyꝛ shepe afoꝛe they be shorne / noꝛ shal in any wyse be hurtful oꝛ pꝛejudiciall to any person oꝛ persons / that hath vled customably to sell theyꝛ wolles by tale oꝛ number of the fleese oꝛ fleeces & not by weight / any thyng in this acte to the cōtrary not withstanding. This act to endure to the next parlyament.

An acte



**I**n acte concernynge pullynge downe and auoydynge of fyssh-  
garthes/piles/stakes/heckes/ and other ingins sette  
in the ryuer and water of Duse  
and Humber



**T**he maye shreffes and comminaltie of the cite of yorke  
and other the kynges trewe subiectes/inhabytynge and  
dwellynge ngyh vnto the ryuer of Duse/and the water  
of Humber / and all other occupiers of the same ryuer  
and water/lamentable complaynyng shewen vnto our  
soueraygne lord the kyng / the lordes spirituall and  
temporall / and the comons in this present parliament  
assembled / that where the sayde cite beyng one of the mosse auncient  
cities of this realme/hath ben moche relpyed/meynteyned/and supported  
by the sayde ryuer of Duse and water of Humber / whiche be the comon  
and directe passage and waye from Hulle vnto yorke afore said/ by reason  
that many shippes keyles Cogges and botis and other vessels haue here  
tofore hadde they franke passages with out lette impediment or interrup-  
tion in and vpon the sayde ryuer and water of Duse and Humber from  
diuers parties of this realme vnto the sayde cite / wherby the sayde cite  
hath hitherto mosse chiefly ben aduanced: And nowe of late certayne  
persons studieng onely for theyr owne priuate lurre/not regardinge the  
comon weale but dayly unagynge the vtter destruction ruine and decaye  
of the sayd cite and the countres adioynge vpon the sayd ryuer of Duse  
and water of Humber / and occupiers therof/ haue and daily do kepe pre-  
serue and maynteyne certayne ingins for takynge of fyssh in the sayd ry-  
uer and water of Duse and Humber commonly called fysshgarthes / and  
sette in the sayde ryuer and water in suche places of the same/ where ship-  
pes shuld haue their liberal and directe passage in the middes of the strene  
of the sayde ryuer of Duse and water of Humber / stakes / piles / and o-  
ther thinges in and vpon the common passage for shippes keyles cogges/  
botis / and other vessels at dyuers and many places in the sayde ryuer of  
Duse and water of Humber: by reason wherof not onely the sayde shipp-  
pes keyles cogges botis and other vessels are dayly in ieperdy/ and men  
children goodes & marchandises in the same of late haue ben and daily be  
like moze to encrease to be drowned slayne & destroyed/but also brode and  
fye of fyssh in the sayde ryuer and water of Duse and Humber be com-  
monly thereby destroyed and putrified / to the vtter impouerishment and  
destruction of the sayde cite/onceles speedy remedy be in this behalfe wo-  
rthy prouided. wherfore it may please our sayde soueraygne lord / with  
the assente of the lordes spirituall and temporall / and the comons in this  
present parliament assembled/and by auctorite of the same/ that the lord  
Chaunceler of Englande / for the tyme beinge / by the kynges comission  
vnder

Under his great seale/afoze the fyrst day of May nowe next cōminge shall  
 by his discretion apoint. viii. sad & discrete psons/wherof. iiii. of them to be  
 of the citelins of þ said cite of pozke/ & burgens. of the said towne of Hulle  
 & the other. iiii. to be. ii. of them Justices of the peace of the west ridding of  
 the countie of pozke/ & the other. ii. Justices of the pees of the Est ridding of  
 the same countie/that they viii. vii. b. o. iiii. of them/wherof. ii. of them to  
 be of the said citelins & burgens. of the said cite & towne/ & other two to be/  
 one of them Justice of the peace of the west ridding/ & the other of the Est  
 ridding of the said countie/on this fyde the fyrst day of June nowe next en-  
 sueng/shal haue power & auctorite to surbey & se the said fishegarthes we-  
 res piles stakes & other ingins set & made in þ said ryuer & water of Ouse  
 & Humbze: whiche said psons so assigned shall haue power and auctorite by  
 vertue of this act to apoint & assigne by theyr discretions the owners of the  
 said fishegarthes stakes piles & other ingins to auoyde & pull vp, o. cause  
 to be auoyded & pulled vp within. xl. dayes after suche surueyance made &  
 monition gauen to the said owners/euen suche & asmoche of the said fish-  
 garthes piles stakes heches & other ingins/which than by theyr discretions  
 shal be thought expediet mete & cōuenient to be auoyded & pulled vp, that  
 the said shippes keiles cogges botis & other vessels passyng & repassing on  
 the said riuer & water of Ouse & Humbze to o. from the said cite of pozke &  
 towne of Hulle/may haue directe liberal and franke passage in thzough o.  
 vpon the saide ryuer of Ouse and water of Humbze/ without any pertur-  
 bance impedimente lette o. daunger by reason of any of the sayd fishegar-  
 thes piles stakes o. other ingins than lette erected & standinge in the saide  
 ryuer & water of Ouse & Humbze/and that the sayde owners on euery side  
 of the saide fishegarthes and other ingins next to the imddyll of the sayde  
 waters streame & passage of the said vessels, there to sette o. cause to be sette  
 within the sayde. xl. dayes befoze lymitted. ii. piles of the lengthe of one  
 parde ouer & aboue the hyghe water marke at the full see of the saide ryuer  
 and water of the spryngs fyde/ there to be & remayne / and to be kepte and  
 repared by the said owners whan neede shall require the same for euer/that  
 suche persons as shall passe & repasse with shippes keiles cogges & other  
 vessels in the same waters/ may haue perfecte knowelege & sight of the di-  
 rect waye and passage in the sayd waters/through the sayde fishegarthes  
 & ingins/for the said shippes keiles botis and other vessels. ¶ Also be it  
 enacted by the said auctorite/that the lord Chancellor of Englade (for the  
 time beinge) at al times after the said first surueyace/ by request to him to  
 be made by the maire & cōmunalte of the saide cite & towne, o. by any other  
 citelins and burgens of the saide cite & towne for the tyme beinge/o. other  
 pson by them vnder the cōmon seales of the said cite & towne auctozised/  
 shal haue power & auctorite by his discretion/ to make & directe like cōmis-  
 sions/ vnto. viii. sad & discrete psons/wherof. iiii. of them to be of the citelins  
 & inhabitantes of the said cite & towne/and the other. iiii. to be Justices of  
 the peace/



the peace/the one of the west riddynge/ and the other of the Est riddynge of the countie of porke / not of fee nor exteyned with the sayde citie nor towne : that they. viii. vii. vi. v. iiij. of them / wherof .ij. of them shalbe of the sayde citie and towne/ and the other. ii. Justice of peace the one of the Est riddynge and the other of the west riddynge of the sayde countie by vertue of the sayde commysion / shall and may the sayde owners assigne and appoynt to pull by and redresse o<sup>r</sup> cause to be pulled by and redressed within. xxi. dayes after monition geuen to the sayd owners by the sayde commissioners/ o<sup>r</sup> by suche of them takynge the charge of the execution of the sayde comission suche and as moche of the sayde fishe garthes and other impedimentes to be made in the sayde waters / to the let disturbance damage o<sup>r</sup> leoperdie of any shippes herles botis o<sup>r</sup> any other vessels passynge o<sup>r</sup> repassynge to o<sup>r</sup> from the sayde citie of porke to the sayde towne of Hulle / as by them shall be thought mete and conuenient .

**A**nd further be it enacted by the sayde auctorite / that no maner of person o<sup>r</sup> persons within the sayde ruer and water of Ouse and Humbre / shall sette fishegarthes o<sup>r</sup> any other ingins to take fishe withall within the waters afoze sayde / but onely with suche nettes and other ingins as shall be of assise and measure accordynge to the stonderde and auncient and laudable customes vsed in the sayde ruer and water of Ouse and Humbre/ and also to vse the fysshynge within the sayd waters all suche tymes as within the same hath of olde tyme ben accustomed / and at none other tyme.

**A**nd further be it enacted by the auctoritie afoze sayde / that euery of the sayde owners and occupiers of suche fishegarthes for euery moneth offendynge contrary to this acte/shall forfeite. xl. li. And euery other person in fysshynge contrary to this acte offendynge / shall forfeite. x. li. the one halfe of whiche penaltie and penalties to be to our soueraygne lord the kynge/ and the other halfe to the mayre and communalte of the sayd cytie of porke and thei<sup>r</sup> successours/ and the same to be recovered ageynste euery person and persons so offendynge as well by byll information o<sup>r</sup> otherwise at the kynges suite as by originall wytte of dette at the suite of the sayde mayre and communalte and thei<sup>r</sup> successours / in whiche action the partie defendaunt shall not wage his lawe/ nor haue any protection o<sup>r</sup> elsyone allowed.

**God saue the kynge.**

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God save the King

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1794.



ANNO XXIII  
HENRICI



lordes konge H  
finurd and h  
then next c  
and pol

LORDINI

MAE

QII

CVM

INDVLTO.